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Parliamentary History.

VOL. XXII.

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Published under the Superintendence of

T. C. HANSARD,

PETERBOROUGH COURT, FLEET STREET,

By whom all Communications for this Work, and also for the

"PARLIAMENTARY DEBATES,"

will be attended to.

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THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"THE PARLIAMENTARY DEBATES."

VOL. XXII.

COMPRISING THE PERIOD

FROM THE TWENTY-SIXTH OF MARCH 1781, TO THE SEVENTH OF MAY 1782.

LONDON:

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1814.

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PERSONS FILLING THE SEVERAL HIGH OFFICES IN CHURCH AND STATE FROM MARCH 1781 TO MAY 1782.

Archbishops.

1768.	Archbishop of Canterbury	Hon. Frederick Cornwallis.
1776.	- - - - - - - - York	William Markham.

Bishops.

1769.	Bishop of St. Asaph	Jonathan Shipley.
1774.	- - - - Bangor.....	John Moore.
1774.	- - - - - Bath and Wells	Charles Moss.
1761.	- - - - - Bristol.....	Thomas Newton.
1754.	- - - - - Chichester	Sir William Ashburnham, bart.
1774.	- - - - - Coventry and Litchfield	Richard Hurd.
1779.	- - - - - St. David's	John Warren.
1771.	- - - - - Ely	Edmund Keene.
1778.	- - - - - Exeter.....	John Ross.
1781.	- - - - - Gloucester	Samuel Halifax.
1746.	- - - - - Hereford	Lord James Beauclerk.
1769.	- - - - - Landaff	Shute Barrington.
1779.	- - - - - Lincoln	Thomas Thurlow.
1777.	- - - - - London	Robert Lowth.
1761.	- - - - - Norwich	Philip Yonge.
1777.	- - - - - Oxford.....	John Butler.
1769.	- - - - - Peterborough	John Hinchcliffe.
1774.	- - - - - Rochester	John Thomas.
1766.	- - - - - Salisbury.....	John Hume.
1781.	- - - - - Winchester	Brownlow North.
1781.	- - - - - Worcester	Richard Hurd.

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Bishops continued.]
1768. Bishop of Carlisle ..... Edmund Law.
1776. - - - - - Chester ..... Beilby Porteus.
1771 - - - - - Durham ..... John Egerton.

LORD HIGH CHANCELLOR.

1778. June 2. Edward, Lord Thurlow.

PRINCIPAL SECRETARIES OF STATE.

1779. Oct. 27. David, Viscount Stormont, vice Lord Suffolk.
Nov. 24. Wells, Earl of Hillsborough, vice Lord Weymouth.
1782. Feb. 24. Welbore Ellis, esq. (afterwards Lord Mendip) Colonies.
Mar. 27. William, Earl of Shelburne, vice Lord Stormont.
Hon. Charles James Fox, vice Lord Hillsborough.

SPEAKER OF THE HOUSE OF COMMONS.

1780. Oct. 31. Charles Wolfran Cornwall, esq.

COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH TREASURER OF ENGLAND.

1780. Sept. 6. Frederick, Lord North, and Chancellor of the Exchequer.
William Henry, Lord Westcote.
Henry, Viscount Palmerston.
Sir Richard Sutton, bart.
John Buller, esq.
1782. Mar. 27. Charles, Marquis of Rockingham.
Lord John Cavendish, Chancellor of the Exchequer.
George John, Viscount Althorpe.
James Grenville, esq.
Frederick Montague, esq.

MASTER OF THE ROLLS.

1764. Dec. 4. Sir Thomas Sewell, knt.

ATTORNEYS GENERAL.

1780. July 11. James Wallace, esq.
1782. Apr. 20. Lloyd Kenyon, esq.

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SOLICITORS GENERAL.

1780. Sept. 1. James Mansfield, esq.
1782. Apr. 20. John Lee, esq.

LORD ADVOCATE OF SCOTLAND.

1775. Henry Dundas, esq. afterwards Viscount Melville.

SECRETARIES AT WAR.

1778. Charles Jenkinson, esq. In 1786 created Lord Hawkesbury, and in 1796 Earl of Liverpool.
1782. Mar. Thomas Townshend, esq. afterwards Lord Sydney.

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Parliamentary History.

21 GEORGE THE THIRD, A. D. 1781.

FIRST SESSION OF THE FIFTEENTH PARLIAMENT OF GREAT BRITAIN.

[*Continued from Vol. XXI.*]

DEBATE on Sir George Savile's Motion respecting the Distribution of the Loan.] March 26. Sir *George Savile* rose to make his promised motion, relative to the distribution of the loan. He began with stating the various disadvantages under which he called the attention of the House, to a subject sufficiently important in itself to merit their most serious consideration, however little he was entitled to any share of their notice. Among others, not the least of his difficulties was, his own personal illness, having got out of a sick bed to come down, and appear in that most odious of all characters, an accuser; and to bring his accusation before judges, who were themselves suspected of participating in the object of his charge. But though what he should bring forward might look like a charge, it did not in fact make him an accuser, the odiousness of which character nothing could sanctify, but a consciousness in the person who appeared as an accuser that he was acting from no impulse of malice, no desire to blacken an innocent man, no wish to lay a false imputation at the door of any one, but merely to search out the truth, and to see if the suspicions that were abroad were well or ill founded. In that light then he stood, and was no accuser, but a person actuated by *prima facie* appearances to suspect there was something wrong in a late transaction, and desirous, as well for the sake of those against whom those *prima facie* appearances conveyed suspicion, as for the sake of the public, to go deeper than the surface, and to see whether the suspicions had foundation or not. He had no intention to move the House to any positive conclusion on the matter. He had no confident charge to bring, which he was to prove by evidence. He merely intended to propose an inquiry, which might or might not lead to future accusation. He did not, therefore, stand in the light of an accuser, a character which in some instances was justifiable, and in some praise-worthy; but he merely called the House to a point of duty, and presented them with the indictment. They, as the grand jury, were to enquire into the facts, and find that it was either a true bill, or not a true bill, against the parties. This was the situation in which he now stood. He owned that even with these mitigations it was a painful one—it was a difficult and dangerous situation. It must always be painful to animadvert on the faults or the crimes of men; and the generous mind will feel the embarrassments that arise from honourable delicacy, even while they are influenced by the respect which they owe to duty, and to the faithful discharge of the trust which their constituents have placed in their hands. Perhaps it might be stated as an objection, that it was now too late to institute an enquiry into this very disgraceful business. He was anxious to remove this objection in the outset. He was ready to confess, that from motives of prudence it was too late to prevent or to alter the bargain, under all its improvident and corrupt extravagance, but it was not too late to censure the minister for making that bargain—perhaps to impeach and punish him—by which at least this good consequence would arise,

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that future ministers would be taught not to sport with the public in a matter of so serious a nature, and not to entertain the presumptuous idea, that parliament would not assert the authority which they possessed, to check and controul him in the bargains which he made. To say that because the bargain was made, the House could not with retrospective inquiry and censure disturb that transaction, would be a doctrine pregnant with the most unconstitutional spirit and alarming consequences. The constitution had vested ministers with very ample powers, but it also vested that House with a full and complete right to enquire how those powers had been used, and consequently a retrospect into the conduct of ministers was the constitutional appendage of parliament; if it were once wrested from it, it were better that the government should assume openly the form of despotism, than that it should be carried on and maintained by despotism, under the appearance of freedom. The power of parliament could never be exercised in the punishment of ministers for such species of delinquency as that he had in view, if any limitation of time was admitted, or if the House was to be precluded from deliberating on a loan after it had received its own previous concurrence; for the minister, in this case, first took away the right of interference from that House in settling the loan, by creating an emergency, by which they were of necessity governed. The vote in consequence met their assent, for one inconvenience being weighed against another, it appeared better to come into exorbitant demands, than have public coffers deficient for the services of the year. But surely a vote so obtained was not to screen the minister, who had wilfully plunged the House into such a dilemma, or screen his conduct from a legal investigation. Sir George contended, that this was the ground on which the House of Commons had agreed to the minister's bargain; it was that of a balance of inconveniences, in which the inconveniency of stopping public business, and of doing a thing that should seem to strike at public credit, was greater, as was alleged, than that of consenting, for once, to an agreement extravagant and disadvantageous in its terms. That being the footing on which the House had given their sanction to the new loan, it was a matter still entire, and to which they were fully competent, to examine the principles on which the bargain was made, that the precedent might not strike deep, if it should appear to be a bad one; but that it might receive a timely check from the censure of that House. Take from parliament this inherent and necessary right, and you cut up the constitution by the roots. It would from that moment be a mockery and a farce; and the minister would have all the advantages and powers of despotism, without any of its inconveniencies or its dangers. He would stand fenced round with forms of limitation, while at the same time he was actually unrestrained. These formalities of freedom and publicity would take from the minds of the people those suspicions of delinquency, which in a despotic state is the weak check which the subject has upon the sovereign; and they would be more completely duped, cheated, and abused with this shew and mockery of parliament, than if the last parapet of the constitution were overthrown, and they were dependent on the mere will of a king or a minister. Having said this much, the hon. baronet proceeded to the matter immediately before the House. In instituting an inquiry into the management and distribution of the loan, he was aware, that whatever he should happen to assert, would be instantly declared to be of no consequence, unless he should also bring the proof. He would be careful to avoid any other arguments, therefore, than such as were made evident and conclusive, either from the acknowledgment of the noble lord himself, or from the actual and notorious circumstances of the loan itself. The terms of that loan were so unaccountably extravagant, that without descending to any other matter, they furnished a sufficient cause for drawing the attention of the House, and exciting them to a very minute and careful examination. If not less than between 8 and 900,000*l.* were lost to the public in the first year by the extravagance of that loan, it was a sufficient reason for inquiry and censure. It was a circumstance of notoriety, that the scrip had borne betwixt 8 and 11 per cent. in the market. Was not this fact of itself sufficient to call the attention of the House? The noble lord, in stating the terms of the bargain, had allowed them to be 7 per cent. but in this he had suppressed the circumstance of the interest to be paid the subscribers in advance, which brought the douceur to a considerable sum more than that mentioned by the noble lord.

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The garblings which had been used in the distribution, and the injustice with which it had been divided, was also a fact in the knowledge of the House: for from the face of the list which lay upon the table, it appeared that immense sums were in the names of persons who could have no title to them from responsibility, or from having subscribed to former loans; it was seen that the clerks of the bankers had sums which could only be held for other people, and that they were in fact held in this manner for members of parliament, who are ashamed themselves of avowing what they had the meanness to act. On the other side it was seen, that the most opulent and respectable names in the city, the men who had constantly subscribed, and sometimes suffered by former loans, had been altogether rejected, or had been treated with such injustice, that the most criminal partiality was discoverable on the face of it. This, then, afforded new grounds for inquiry, and especially as it was but too plain that all the injustice, and all the partiality, and all the extravagance had been committed for the purpose of corrupting parliament, and adding to the influence of the minister. This was at least the suspicion which had gone abroad. The constituents of that House entertained sentiments of distrust, and believed that they had participated in the benefits of that loan, to the injury of their constituents, whose property they were appointed to guard and protect. It became the House, by a full and free inquiry into this business, to rescue their character from so ignominious an imputation. For this important reason, and also with the view of checking this species of corruption in future, as well as of teaching both ministers and money-lenders that parliament had the power of punishment, of correction, of alteration, and of total dissent in their hands, he moved, "That a committee be appointed to examine into the circumstances of the late loan, to form estimates of the value thereof, and to report the same to the House."

Mr. *Byng* rose to second the motion. If the hon. baronet, says he, feels his situation to be a trying one, good God! Sir, what must mine be? To him is committed a general explanation of the terms of the loan, and its general profligacy, while to me is reserved the irksome detail of invidious personality. But, Sir, whenever my public duty calls me forth, away with all private considerations, for though I see and feel the disadvantageous situation in which I have placed myself, I am fully prepared to meet it. Considering the loan as an evil to be endured for public benefit, and not for the private advantage of any set of men whatever, I cannot but approve of the early invitation of the noble lord to the monied interest to send in their offers; they obeyed the summons, their offers were unconditional, and as early as the end of November and beginning of December. I cannot but repeat my approbation, as the notice was general, and being early and general, the public might have derived advantages from the gradual preparation they were enabled to make; they were not obliged by hasty sales to lower the old stocks to such a state, that the bargain must become fatally disadvantageous to public credit. It also gave full time to the noble lord to enquire into the responsibility of the offers. So far so well. But mark the sequel; you will find that though many were invited, few were chosen. Responsibility was soon lost sight of, and the just claim of those who under the general invitation had lodged their money, was given up to the more pressing necessities of members of parliament. Surely, Sir, candour, nay justice demanded an early apprisal of the intended slight. If under public faith they had a prior claim, public justice called on the noble lord to have supported it. But, Sir, their offers met not even with a decent rejection; they were kept in suspense till the inordinate profit of 10 per cent. announced it to be a premium calculated only for those who felt the kind support of Mr. Atkinson (for to him was committed the distribution of this extravagant profusion of public money) save when the Secretary of the Treasury stretched forth a healing hand to the needy member. And here I cannot refrain from marking the repetition of injuries sustained, first, by the loss in drawing their money from the old funds, and again by being driven to the necessity of purchasing in the new with a loss of 10 per cent. All former support was forgotten; the loss felt in 1778 had escaped the memory of the noble lord; and if it had not, what would it have availed? The object of a loan of 12 millions was either too great or too little to attract his notice; it was already delivered over to other hands. Nor did the injustice rest here, for though their offers were unconditional, they found those only favoured

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who had extorted from and pinned the minister down to the most unjust and extravagant terms. Having pledged myself, I shall endeavour to state to the House such matter as I have collected, and which, if the motion is complied with, I engage to prove to be matter of fact; at the same time lamenting, that I cannot in the present moment discover all that I know; the conflict in my breast, between my duty to the public and my private honour, distresses me greatly; my duty tells me I ought to conceal nothing; but when I consider that many material points have been told me in confidence, and that in regard to other information I might endanger the loss of bread to individuals, I find my duty in this instance for once giving way to my private feelings.

Having endeavoured to arrange this business under different heads, I shall first read to the House a list of offers from gentlemen to the amount of 1,426,000*l.* gentlemen well known on 'Change, known to have prepared their money to make good these offers, who almost to a man were thought sufficient and responsible men for the losing loan of 1778, and who proved their sufficiency and responsibility by making good their payments in that loan. (Here Mr. Byng read the list of names, their tenders, and the quantum of each.) When he came to the names of Stratton and Rodbard, he observed that the case of this house was particularly hard. In 1778 they made a tender of 97,000*l.* they were kept in suspense till two or three days after the budget was opened; it was declared a losing loan, and the whole was fixed upon them; but such was their responsibility, that they not only made good their payments, but advanced at the first payment 60,000*l.* but the noble lord has told us it was impossible for him to comply with the extravagant requests of individuals, and that men asked for more than they meant to have, or were equal to. Now, Sir, let us see the unreasonable request of this house. They who were equal to 97,000*l.* in the losing loan asked only for 30,000*l.* in 1781. The same delay, the same suspense, that they experienced in 1778 they felt in this; the Saturday came; ten per cent. was announced to be the premium of the day; when they received their letter to acquaint them that they were to have——what? None. Thus were the men who had aided the public loan with 97,000*l.* in 1778, at a loss of 3 per cent. deemed insufficient to be trusted with 30,000*l.* of a loan where 10 per cent. was to be gained. No, Sir, their pretensions were forced to give way to those of another kind; and here I cannot avoid opening to you the superior claim and pretensions of the members of parliament to those of Messrs. Stratton and Rodbard, who had no other arguments than responsibility, great losses in former loans, and a firm confidence in the justice of the noble lord, that he would act with fidelity and impartiality, while the members of parliament could address him in more moving terms, Have I ever disobeyed one treasury letter? Have I ever been absent on any pressing vote? Have I ever ventured to have an opinion of my own? Consider the risks I have run, the dangers I have exposed myself to, and the actions to to which I am liable in getting here. Will you deny me, then, my share of the bounty I am about to vote? Oh, Sir, I see the old sores of the losing subscribers at once neglected and forgotten; while every application is given to heal the green wounds received in a late election. Brooksbank and Ruddle wrote for 100,000*l.* they had none for themselves, but found Mr. Brooksbank's name made use of for 20,000*l.* to cover one whose name was not to appear. Mr. Cappadoce wrote for 50,000*l.* he is agent for a million of Dutch property in the funds; his first payment was lodged ready in the Bank, and though a usual subscriber, obtained nothing. At first I apprehended, that having Dutch connections might be the principal reason of his experiencing a refusal, and that the bargain was too advantageous to admit of any foreign connection to partake of it; the policy of admitting foreigners to our loans, the advantages or the disadvantages of borrowing their money on these terms is a question I will not enter into; but I soon lost sight of that surmise, for I found the greatest sum allotted to any one house was to one usually called a Dutch house. But having mentioned that house, I cannot forbear to present to you a curious piece of management arising out of the portion allotted to this house. I mean, Sir, the house of Gurnel, Hoare, and Harman, one of the most respectable in the city, and remarkable for plain and sincere dealings. A gentleman waited on them to request permission for him to be included in their list, with a desire that his name might not appear; he added that he

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had authority to assure them that the 60,000*l.* (which was the quantum he wanted) should not be taken from their share, but should be in addition to what they wrote for; Mr. Harman gave a plump refusal, explained to him the nature of their dealings, which were open; that their list was visible to all included in it, invisible to the minister, that there might be no distinction shewn to any particular proprietor; that all bore and were to share their equal proportions; that they would have just ground of complaint, if they saw this requisition granted entire to him, and the rest of the subscribers confined to their limited shares: that it was at the will of the minister to give or not to give them any, but that whatever the consequences might be, they would not recede from their rules. The tender of this house was for two millions; they were made frequently to believe they were to have a half, and sometimes amused with a hint of more, but at last found themselves cut down to 560,000*l.* But, Sir, what must their surprise be, when they found that 500,000*l.* only was for themselves, and notwithstanding their absolute refusal, 60,000*l.* allotted to the gentleman. Sir, they immediately went to the gentleman's residence, complained to him of their treatment, insisted on his going immediately with them to the minister, fully determined to give up all rather than lose any part of the credit they had always preserved by their plain dealing. They went to the Treasury, where, after waiting several hours, they at last obtained an interview with the noble lord, or his secretary, to whom they opened their resolution; from him they received the fullest assurances that the 60,000*l.* should be separated, and an order sent to the Bank accordingly. This favoured gentleman is Mr. Paul Wentworth: for whom this 60,000*l.* was so concealed will be a part of my duty in some future stage to expose.—He then remarked of the 240,000*l.* for Messrs. Crofts and Co. that he verily believed 40,000*l.* only was for the house, the remainder for concealed members of both Houses.

I understand, Sir, that a member of this House waited on the confidential secretary of the Treasury, demanding such a quantum of the loan for himself and friends, and that their names should not appear; the secretary for some time resisted, but he gave way to the terrors of this menacing member, who I can assure this House was in the Alley on the Monday, selling of omnium, though none appears in his or his friends' names. Mr. Byng then read a list of capital persons who sent in offers to the amount of 3,487,000*l.* and who had not a tenth, several of them great losers in the year 1778. He then read a list of upwards of two millions, who received all or nearly all they asked, among whom were Messrs. Muir and Atkinson 200,000*l.* observing that he could scarce think this was all they had, as he found the names of Messrs. Smith and Sill, attornies to Mr. Atkinson, were set down for 67,000*l.* and which he knew was not for themselves. Mr. Drummond's house is set down for 84,000*l.* the credit in which that house stands made me consider that sum beneath my expectations; more particularly when I find 500,000*l.* in the name of Mr. Dent, on which 500,000*l.* I will not comment a moment. When houses of great credit obtain a lumping sum, we well know that it is for themselves, and those that lodge their money with them. When a list comes in the name of any banking house, they become a security for the payment, the public are no losers, but so far I cannot help observing the evil tendency of a distinction between the different banking houses. Mr. Child's house received near two thirds of the tender they made; Mr. Drummond's about five eighths, whilst those who lodged their money in other houses, partake some a tenth, and others a sixteenth; this is giving a wound to the credit of those houses, for here government tell to the public the superior advantages to be obtained by lodging their money with their favourites. They turn the misfortunes of the country to their private advantage; it is a direction post to the house. But, Sir, with regard to the third list, that of Messrs. Drummond's clerks, might I request of my hon. friend to set me right, if I should offer any names that are really not truly what I state them to be. He then read the names of clerks, in whose names subscriptions stood to the amount of 438,000*l.*

I find 10,000*l.* set down against Mr. Maddison's name. Mr. Maddison is broker to Messrs. Drummonds; from what I can learn, he is perfectly equal to such a subscription, but to each of his clerks is allotted 25,000*l.*; to the clerk of Messrs. Cox and Muir 25,000*l.*: these are a few of the concealments that I have thought proper to produce: you will be able to

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detect more, and expose to the public the causes, why one million has been delivered over to men, who, conscious of the grounds on which they have obtained it, are under the obligation of being secreted; their names will not bear the light. But I beg to be understood, not to arraign the subscribers in general. Capital house, responsible and respectable, are the terms that mark many houses, in my list of observations; nor do I totally condemn all subscriptions standing in the names of members of parliament; bankers and monied men may aid a loan; but if I had applied for, and obtained any part of the loan, it would have been depreciated, as I must have sent the whole to market. How many do I see in the same situation with myself? It carries a double evil, the glutting the market, and making us instruments to favour a bad bargain; and that it has been a bad bargain, let the premium, not of a day, but the premium, that no management could reduce, shew. He then read the daily price of the omnium from the 8th to the 26th of March. It even rose under the pressure of every art; and the friends of the minister used every effort to lower the credit of the nation, in order to raise his. On the Monday I almost thought they would have effected it: Mr. Atkinson's broker gave the turn by selling 100,000*l.*; and the confidential friends sold likewise, the confidential friends without names, those who held under concealment. On the Tuesday Mr. Atkinson's broker sold another 100,000*l.* and the same game was continued; but on the Thursday, finding every trial insufficient, they were even reduced to the necessity of entreaties, and they called on subscribers to sell, in order that the premium might be lowered before this day. As the noble lord had served them, so ought they in their turn to serve him. This was the language of the ministerial runners. But, Sir, such was the extravagancy of the terms, that the sale of between six and seven millions could not bring it down to the wished-for level.

Thus has the purse of this country been delivered over to a few, who have not had even the decency to preserve appearances. No rule to guide, but the will of individuals. No time was judged necessary, hourly alterations made; captain Laird obtained 10,000*l.* of the loan, who only arrived a few days before the noble lord opened his budget; but captain Laird is the friend of Mr. Atkinson: nor will you wonder at alterations made a few days before, when I am able to inform you, that alterations were made after the budget was opened. After the premium of 9 per cent. was given, the list was retained in their hands for three days, for the purpose of making these scandalous, I had almost said felonious alterations. Sir, I have now done. If I am not able to prove what I have advanced, I shall hold myself culpable to the House, to the public, and still more so to myself. I do therefore call on the noble lord, if he wishes to retain the character of an honest man, that he will not blink this matter: let us go into the inquiry, and if I prove not my assertions, I am a calumniator; if I do, then let the noble lord make some atonement to the public, at least by a confession that he has been deceived, and that he will guard himself in future against such deceivers. What I ask is for the public, not as matter of favour but of right. Let not this House, let not the representatives of the people, become parties to, and give sanction to concealment, by a vote for concealing the dark transactions of an exorbitant and corrupt loan.

Earl *Nugent* opposed the motion, and declared it to be highly improper, dangerous, and unnecessary. All that had fallen from the two hon. gentlemen was of little or no importance. Could they prove, or had they attempted even to insinuate, that the persons, among whom the noble lord had distributed his loan, were not responsible, or that they had not made the deposit? It was not by the distribution of a loan, but by the terms of it, and the responsibility of the subscribers, that the public could be affected. The noble lord had taken care of the two latter objects, and in the former he had undoubted discretion. The noble lord insisted much on the regard which the House ought to have to the necessities of the public. In all inquiries of this sort, they ought ever to be guided in the exercise of their power by their discretion. There were times in which it would not be safe in the House of Commons to persecute the minister for the bargains which he made, as there might be more lost by the calling the transaction to account, than there was by the occasional, and perhaps the unavoidable extravagance of the bargain. This had always been the wisdom of the House, and he trusted, that it ever would be so. But gentlemen said, that partiality was visible in the distribution of the loan. Was that

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a novelty? It ever was, and ever would be the case, that ministers would do more for their friends than their enemies: ministers had done it in former administrations; they had done it now; and ministers would continue so to do to the end of time. The hon. gentleman who spoke last, had said the other day, that he had a list of responsible persons different from the real subscribers at present, who would have taken the whole loan upon better terms for the public than those which had been granted. If that were so, he should have thought that list would have found its way to the noble lord for a share of the present loan. He had once had the honour himself to propose a loan in that House, for the duke of Devonshire, and he remembered that sir John Barnard disapproved of the terms of it, and thought them not sufficiently advantageous for the public. Mr. Beckford, at the same time, said, he could produce a list of responsible men, who would take a loan for the sum then wanted, on better terms for the public, but even sir John had disapproved of the proposal, declaring that after a minister had made a bargain, though parliament had undoubtedly a right of controul, it would be an unadvisable measure to alter the terms. And upon what had sir John founded his idea? Upon a conviction, which he stated to the House at the time, that it would hurt public credit. It would be a rub in the way of future loans, and would throw difficulties in the way of the minister in subsequent years, which might be dangerous, if not fatal to the state. This was the reason of prudence which had always governed the House in regard to loans. Undoubtedly they had the power of controul, but in better times than these they exercised it with discretion. Gentlemen now seemed offended that members should subscribe to the loan: the language of opposition in former days was very different; for then the complaint was, that the members in opposition did not get as great a share of the loan, as those in the administration: but no one attempted then to say that members of parliament ought not to subscribe at all. He recollected very well, that on the occasion which he had mentioned, when he proposed a loan, the only complaint was, that gentlemen in opposition had scrip given to them with a very sparing hand, while it was dealt out plentifully to those who supported administration. It was quite a new doctrine, that members ought not to subscribe to the public loans; or that it was inconsistent with the duty which they owed to their constituents. The noble lord did not think that there was any injustice done to those who had lost in 1778, or in other unprofitable years, that they had none now. He did not think that any regular mode of division could be adopted without great danger and great alarm to public credit. To establish any fixed rules, whereby the distribution of the loan might be determined, and particularly to pass it into a law, that those who have been losers in one loan should have large shares in another, would lead to the doctrine of making the loans a monopoly. Upon the whole then, the noble lord entirely disapproved of the motion.

Mr. *Adam* opposed the motion, as ill-timed and improper. He disclaimed, and recommended it to every individual on that side of the House, properly to resent those false aspersions thrown on their characters by gentlemen in opposition, who scrupled not to say they were corrupted by the profits of a subscription, and that the minister had squandered the public treasure to overturn the independency of parliament. Such calumny had been adopted without doors; it had of late got within those walls; nay, it had even found its way elsewhere, and made its appearance in a late protest, which had been entered on the Journals of another House, which he could not but regard as a very extraordinary production indeed. Was it candid to impute to those, who took the side of government, a worse impulse than gentlemen who opposed government would submit to have imputed to themselves? There was scarcely one gentleman on the other side of the House, who had not, at one time of his life or other, been connected with an administration. When they had been so situated, did they consider themselves as acting dishonourably in participating in the honours, rewards, and emoluments of government? Surely he was using a constitutional language, when he said, that there was no disgrace in receiving such rewards, no dishonour in supporting measures after those rewards were received, as long as those measures appeared to be calculated to serve the country. He trusted that there would always be found enough of fortitude, in those who supported government, to resist such attacks; the imputations that were thrown upon them, of acting under the corruption of influence, ought to be cleared away, and he trusted

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they would have spirit enough to maintain, that the fair and honourable emoluments of government were no improper seducers of the human mind. The name of William Adam, which stood in that list, was not his. He had no part nor share in the loan, either in his own, or in any other person's name. But, he said, if he had been a subscriber, he should not have considered it as any imputation or disgrace. He said further, that before gentlemen talked so loudly of members of parliament having been bribed by the profitable terms of the loan, to agree to it, when proposed in the House, it became them to recollect, that those terms were not made by members of parliament, but the monied men of the city, the directors of the Bank, of the India house, and other great companies. The hon. gentleman said, that in judging of the terms of the bargain, it was necessary to look back to the time, the circumstances, and the prospect of affairs, when that bargain was made. He averred, that the minister had made the best terms he could, in the situation in which he stood. The price of the stocks at the time when the loan was in agitation, their price since, the state of affairs, all contributed to prove, that the minister had it not in his power to make better terms for the public. As to the charge of partiality, it might produce very pernicious consequences to call upon the noble lord to assign his reasons for having given more to one house than to another; and the credit of many houses would be shaken, if, in his own vindication, the minister should say, that he had given to every banker who had applied just as much as he thought the house should be able to pay. This might be the ruin of several families; and as the committee moved for, might give a deadly blow to national credit, he should give his negative to the motion. This he should do for many reasons, but principally because to enquire into private characters would be an inquisitorial tyranny; and oppression to individuals was injurious to the public.

Mr. *T. Townshend* rose principally to take notice of some observations that had fallen from the noble lord and the hon. gentleman. The noble lord had said, that if the losers in the loan of 1778 were considered as intitled to a share in the present subscription, it would amount in fact to a monopoly, and establish a doctrine highly prejudicial and injurious, that those who lose in one year have a right and claim to a preference in another loan. This, he said, was not the fact. The losers in 1778 claimed no preference. They did not conceive that they had a right, much less an exclusive right: all that they said was, that the supporters of government, having been losers in one bargain, had good reason to expect, that when they offered their assistance again, they had at least equal pretensions with those who had no such recommendation. And when they found themselves rejected and overlooked, they sought for the causes a little further than the mere arbitrary act of refusal, and suspected that the manifest partiality was founded in corrupt and bad motives. What was the fact stated? That the refusals were given to men of known probity, of high mercantile character, of great property.—The hon. gentleman who spoke last had asked, "Were members to be the only men excluded from giving their support to government, and deriving the advantages peculiar to their abilities and professions as merchants?" He was ready to admit in argument, that they ought not to be excluded. What then? Their exclusion had nothing to say to the present question, which was merely directed to the terms of the loan, and the distribution of it among persons as well without as within that House. If the loan was too high, in the first instance, that was a good ground of accusation against the noble lord. If it was too high, merely for the purpose of a corrupt or partial distribution, in order to create an undue influence, the noble lord would appear doubly culpable; for it would amount to this: that the noble lord had committed a crime of a very black nature, for still a worse purpose. The hon. gentleman alluded to the Protest entered on the Journals of the other House. Whether the facts and reasons stated in that Protest were well or ill-founded, was not for him to say in his place in that House. But be that as it might, he was clearly of opinion, that the conduct of the noble lords who signed it was highly commendable; they spoke the language of honest men, urged by a call of duty; and he could not suppress his astonishment at hearing such a stile of animadversion resorted to upon such an occasion.—The hon. gentleman said, that former administrations were as partial to their friends as the present; that it was natural that those who supported government should be partakers of its favours; that there was nothing that distinguished the present from those administrations in which several gentlemen on

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his side of the House had been favoured. To this he would just observe, that loans, or subscriptions, were never reckoned among the means of gratification, by the administrations to which he alluded. But, said the *hon.* gentleman, it is an illiberal aspersion upon character, to say, that places or pensions, douceurs or contracts, are among the corrupt seducers of the human heart. To be sure, it would be highly illiberal to suspect, that a member of parliament should be seduced by the good things of this life! It would be an aspersion of the most unjustifiable nature! What! a member of parliament! the dignity of whose situation, and the obligations of whose trust ought to raise him to an elevation of rank among his species, superior to all the little frailties and passions of the heart—to suspect him of dependence and servility, would be a libel on the human race! And yet, if there was a gentleman to be found, whose conduct in that House had been marked by an acrimonious opposition to the measures of the minister in the outset, and a condescending approbation of them in the end—who had been distinguished by being the greatest enemy of the minister, while he professed to be the friend; and of making arguments of pretended panegyric operate as censure and satire; and from whose animadversion and reprehension the noble lord was remarked particularly to shrink: when it was observed, that such a gentleman in a critical moment abandoned, without even the formality of a reason, the friends and the principles which he had maintained, and became one of the most zealous and active partizans of that government which he previously reprobated; when it was observed, that he placed himself immediately behind the Treasury-bench, whispered the minister, and became his avowed champion; and when they saw this gentleman rewarded with a place, people could not avoid suspecting that there was something like influence in a thousand or twelve hundred a year; and that it was corruption, and not principle, that had converted the enemy into the friend of the minister. Such suspicions, he thought, might be entertained, without any great degree of illiberality, and without any great degree of injustice.

If he understood the object of the motion right, it was for an enquiry, and the grounds on which it was applied for, were the notorious extravagance of the loan, which indeed had been acknowledged, in a former debate. by the noble lord in the blue ribbon himself; beside this, there was the great variety of important facts stated by his hon. friend, and which he had pledged himself to prove. He was not now to be told, that the bargain was irrevocable; the motion was silent on that subject; it only was directed to an enquiry. He would suppose, for argument sake, that the loan was not a bad one, under the several circumstances which might come out in the course of the enquiry. He would suppose, on the same ground, that the distribution was such as ought to have been made; but the question, as it presented itself in its present shape, was not, whether the whole was a fair, honourable transaction, a good bargain for the public, and wisely and equitably portioned out, or shared; but simply this; whether the enormous profit on the loan, connected with the strong facts stated by his hon. friend, bore such a *prima facie* appearance of corruption and partiality, as to render it the duty of that House to enquire into the suspicious circumstances and facts so stated? In that light, he hoped the House would consider it; and in that light only could it be fairly or regularly argued.

Mr. *Adam* said, he must be stupid and senseless, not to see what every gentleman must have seen, that the hon. gentleman had alluded to him in the course of his speech. He defied that hon. gentleman, however, or any other, to impute any charge of being under undue influence to him. When he first came into that House, he came in just of age, perfectly independent and perfectly unconnected. He opposed the minister as long as he thought the American war pursued for unjust purposes; but when the question changed, when the sole object was the maintaining the rights of the British legislature, and the preventing the independence of America, the question met with his entire approbation; but even now, if the noble lord's measures should appear to him more likely to do harm than good, he would as steadily oppose him. With regard to the place he held, it was bestowed upon him unasked, and unsought for; and so far was he from any interest in the question of the day, he had neither directly nor indirectly a share in the loan.

Sir *Richard Sutton* said, that by going into the enquiry, it was evident the House would go into this dangerous and perse-

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cuting spirit of inquisition. He saw that it was only the forerunner of an enquiry, in which the noble lord must, of course, be called upon to make his defence; and as he knew that to call upon a minister to assign his reasons for preferring one banking house to another, might be attended with the most fatal consequences both to public and private credit, he would give his vote against any measure that should make it necessary for a minister to defend himself by a method that must ruin others.

Mr. *Joliffe* said that as the loan had passed into a law, he thought it very unnecessary to enter now into a re-examination of its merits. It was as dangerous as it was unprofitable; for by this means they might disturb the monied interest by invidious inquiries, and deter men in a future year from assisting the public. What was the benefit proposed by the present enquiry? To make the bargain more advantageous for the public? No. It was not even suggested that the public were to be benefited in any other way than by the warning which it would give to ministers, how they made improvident bargains for the public. Was not this end fully accomplished by the responsibility in which the minister stood? Occations might arise in which it might be for the interest of the public that the bargain should be made under all its circumstances of extravagance, and when it would be wrong in parliament to interfere too hastily. This he considered as one of those cases, and he was fully convinced that it would be wrong in the House to enter upon this enquiry; as, by that means they might suffer in another year all the hardships of distrust, in procuring the money necessary for carrying on the operations of government. No immediate benefit was to be derived, but there was much probable danger. No saving was to be made; no retrenchment, no diminution even of influence; the evils, if there were any in the bargain, were already incurred, and he thought the House could not do any good by their enquiry, but they might do much harm.

Mr. *St. John* said that diffidence and distrust became every young member who spoke in that assembly; that in a private capacity, he felt these as he ought to do, but that, as a member of parliament, he felt a diffidence in the conduct of administration, that overcame all distrust in his own abilities, and induced him to utter his sentiments with that freedom which became every man who held a seat in that House. He went into a view of the profuse expences which had attended the American war; and from that and various other considerations inferred the necessity of public œconomy. He highly approved of the motion on that principle, and said that from the facts stated by the hon. gentleman who seconded the motion, he thought they were called upon by every inducement of duty and reputation to refer the inquiry to a committee.

A short pause now took place, and the question was called for. The Lord Advocate and Mr. Fox rose at the same time. They were both solicitous to give way, and the contest of civility at last ended in favour of the former.

The *Lord Advocate* said, he would be concise in a few observations which he had to make. He confessed the disadvantages he laboured under; he saw, he said, that opposing the motion would give the gentlemen on the other side a right to assume that all the various facts they had alledged, all anecdotes they had picked up, all the rumours they had collected without doors, were perfectly in point, perfectly correct, as they had stated them, and perfectly true in themselves. He therefore should make a virtue of the necessity he laboured under, and should so direct his arguments in reply to what had been supposed, as not only matters of fact, but facts that could be proved. He would not avail himself of any parliamentary trick; but would meet the question, intangled as it was with all this specious and adscititious matter, and give it his direct negative.

The question held out two considerations, and might therefore be divided into two heads. One was the terms of the loan; the other the distribution of the loan itself. The motion was so evasive as to include both these considerations, but in fact all the argument had gone to the distribution only, and that was the only part to which there was any necessity for an answer. With regard to these, he begged the House to regard them as two distinct questions. So much had been said on the first, on former occasions, that he should content himself with adopting the noble lord's position on a former day, viz. that the terms were the best he could obtain, and that he had no other alternative, than to take them, or let the necessary operations of government stand still,

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for he had even waited till the last moment, till the army was within a day of the time, that had not the money for their pay been received, they must, according to act of parliament, have been disbanded. He believed, allowing that the terms agreed upon amounted to an improvident bargain, or that a better might be made, his lordship had hitherto stood unimpeached on the ground of corruption. In the strong contention of debate in that House, among the numerous animadversions made on his lordship's conduct, within and without these walls, his lordship's personal character had hitherto escaped censure. In the warmth of attack and party resentment which came from the opposite benches, his adversaries, after having exhausted every other topic of severe animadversion, nevertheless abstained from any thing which could affect his lordship as a man. Whatever faults they imputed in those moments, when fact, truth, and reason, are sometimes made to give way to passion and resentment, his adversaries were at all times ready to give him the credit of dealing with clean hands. When he heard therefore gentlemen contending, that the loan was disadvantageous, unwise, impolitic, and even corrupt, he understood it in the sense, he presumed, in which it was intended; that the noble lord had not made a good bargain, but that his lordship having made a bad one, derived from that circumstance no pecuniary advantage to himself. If that was the case, which he believed most sincerely it was, the terms of the loan were clearly out of the question.

He did not know whether it might be agreeable to his lordship, or in what manner he might take it, if he should mention a circumstance which confirmed him in these sentiments more than even the united opinion of his lordship's friends and opponents. It was a circumstance which came within his own particular knowledge, and he hoped the noble lord would not be offended at his betraying what was said to him confidentially, when the noble lord should recollect that, as the events it turned on were now past, he could do no harm; and it would evidently convince the House, if they put faith in what he said, that the noble lord had done all in his power to get better terms. Some few days before the budget was opened, he took the liberty of suggesting to his lordship the pressing necessity there was at so advanced a season to make the necessary provisions for the current services of the year; and further to point out the necessity of opening the budget with all convenient expedition. The noble lord replied, that if he should then make a bargain for the public, he would be obliged to make it upon disadvantageous terms. The funds were very low, and the prospect not favourable, whereas, by waiting a short time, a circumstance might arise favourable to negociation. He was in hopes every day of receiving the confirmation of an approach that had been made towards pacification. This news he expected with the change of the wind, and this was the cause of the delay. Without this, he had a prospect of something which might terminate in a pacification. He must agree that the 3 per cents. should be rated at 55; if on the other hand he could hold out a prospect of a peace with some good foundation, he should be able to make the bargain on terms much more favourable to the public. His lordship accordingly waited, and when he was authorised to speak with more certainty, his lordship improved that circumstance to the public advantage. Here, then, was the most indisputable proof, that the noble lord, so far from wishing or intending, much less having actually made a corrupt bargain for any bad purpose, acted with all possible integrity and industry to improve circumstances, not known, to the advantage of the public. The noble lord, if he wished to make a corrupt bargain, to promote the views imputed to him, might have done it beyond the possibility of detection. He might, in the first instance, have concealed his private expectations: he might, in the second, have concealed his real information, and, in either event, have taken out of the pockets of the public, and put into those of his friends, 4 or 500,000*l.*

The hon. mover and seconder had made use of very strong arguments, and the latter had stated very strong facts. He should not now take up the time of the House in combating the one, or disproving or controverting the other. He would, in the form of argument and concession, presume that the bargain was the worst that could be made, with the reservation already expressed, that of doing away any imputation, direct or implied, on the motives or conduct of the noble lord, as to the terms, believing, nay, being convinced, that they were the very best it was in his lordship's power to make. But waving

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that for the present, he would suppose the bargain a bad or improvident one: he would suppose the charge of partiality to be well founded; that the friends and supporters of the noble lord were served, to the exclusion of those who were none, or suspected not to be so; that those who supported his lordship's measures had a mark put upon them, while those who had rendered themselves only conspicuous for reprobating his measures, were of course pointed out for a different purpose. All this he was willing to suppose, in order to meet the arguments urged against the noble lord. He begged, under those circumstances, strong as they were stated and imagined, to know what possible good or public benefit could result from the present enquiry. It had been urged, that it was improper for members of parliament to subscribe; this was what he could not admit, nor could he see any reason why a gentleman should, by becoming a member of parliament, forfeit the right of serving his country and himself in a fair and honourable way. But, said gentlemen, members of parliament themselves were convinced that it was improper for them to subscribe, as they were ashamed to have their own names set down in the subscription list. This was no proof at all of the impropriety of the act: it only proved that those gentlemen who had done so, if any such there were, had weak nerves; and indeed after that day's debate he should not be surprised if every man of weak nerves should be afraid to set his name to a subscription, as he must thereby expose himself to so many invidious, illiberal, ironical, sneering animadversions upon his character and motives. Some men were more modest than others, or they had weaker nerves, or more timidity; they might not be fond of incurring the reports and comments of the newspapers, and the orators, and the libellers of the day. If, therefore, a gentleman who had 50,000*l.* in the hands of his banker, should say to a minister, "I am willing to serve my country with this sum; but as I do not like to be traduced, laughed, and sneered at by every member of parliament, who, without knowing my motives, may think proper nevertheless to ascribe the worst to me, I shall lend my money upon this condition only, that some other person's name shall stand for mine; but whether he be solvent or not, no matter, as I shall be responsible for the payment: if a gentleman should make such a proposition, and a minister should comply with it, is there a man who would venture to say there was any thing unfair, any thing corrupt in the transaction? Undoubtedly not. Was there any law against it? Was there practice and custom against it? The noble lord was not surely the first minister who served his friends in preference to his adversaries. He had made the best bargain in his power under the given circumstances; and if there was any advantage derivable from the transaction, surely it could not be deemed a crime in the noble lord to give a preference. Other times and other ministers, it was said, exhibited other scenes. He spoke only of the current language of the times. He did not vouch for their truth; but he could not be so totally uninformed of the transactions of those times, as not to have heard that men in high office had not only been charged with making an improper distribution among their friends, but also of confining some small share of the benefit to themselves. The minister must necessarily be entrusted with the settling of loans and subscriptions, and he stood responsible to the public for the due payment of the several instalments. Whoever, then, would institute an enquiry to make the noble lord account for the preferences he had given, would cut at the root of that responsibility, and release the minister from his duties to the people, for he could not be responsible without an uncontrouled, discretionary power in selecting his subscribers; and would parliament, in its sober senses, wish to take away that responsibility from the head of a minister, and place it in a committee of that House? He should hope that sound policy would make them see the impropriety of such a measure. He doubted not, as had been asserted, that the noble lord had been partial to his friends, in opposition to his enemies. It was natural and just to be so, and a minister must be a mere lump of ice, divested of passions, of friendship and feeling, could he surmount this kind of partiality. Nor was it unnatural that, abstracted from the desire of favouring his supporters, he might feel a greater degree of confidence in men of that description, than in his opponents.

Much had been said of the great influence the present loan threw into the scale of government. For his part, granting every fact urged in the course of the evening to be strictly true, he was entitled to draw a very different conclusion. Every

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argument, in his opinion, bore the other way. If the loan was so very profitable as it had been described, it was to be presumed he had of course many competitors for his favours. He did not speak hypothetically, he spoke from his own knowledge and experience. If it was a favour, the noble lord had not favours to grant to all who might think they were entitled to them. He had proved it. Almost every person that he met in the streets and coffee-houses complained loudly of the bad treatment they had met with, or of their ill-fortune. The constant salutation that he met from the friends of the minister was, "It's damned hard, I have only got 10,000*l*." So that in fact, those who had got, as well as those who had not, were dissatisfied: and the noble lord was likely to make more enemies than he had gained friends by the business. He hoped the House would see the danger and the inutility of the motion; if it was intended to institute an inquisition into the credit and responsibility of the subscribers, it would be dangerous and tyrannical. If it was intended to enquire into their rank and situation, from motives of wanton curiosity, without any purpose of striking them from the list, if they were found unfit, it was an idle and an invidious office. If it was meant to alter the terms of the loan, or to take from the head of the minister the responsibility under which he now stood, it would be an unwise and perhaps a fatal resolution. Parliament had always proceeded on the old, wise, and constitutional idea of having a responsibility somewhere for every public act of government. In the instance of the loan, they had placed the responsibility on the shoulders of the Chancellor of the Exchequer, and having done so, he was authorised to make the loan, not to please one side of the House or the other, but so as should best satisfy himself that the subscription, every consequence of which he was to be responsible for, was perfectly secure. He advised the House therefore by no means to lessen that constitutional responsibility, a circumstance which the present motion chiefly tended to effect, and which therefore he should oppose, as likely to do infinite mischief.

Mr. *Fox* now rose, and entered into a circumstantial answer to the arguments of the learned gentleman. When he rose, he imagined that he meant to offer his reasons why the House should not go into an enquiry into the conduct of the noble lord in the blue ribbon, for he considered it as a direct personal accusation of the minister, in this public transaction: but, to his astonishment, the learned gentleman had not urged a single syllable in his justification. When therefore he was proceeding seemingly to answer the learned gentleman, he could hardly discover an argument, or a fact, to which there was occasion for a reply. The reason was plain. The learned gentleman had said, with his usual address and ability, a variety of most ingenious things, but not a word, phrase, or argument to the question. The learned gentleman, in all his speeches, he was sorry to say, betrayed a disposition to political measures and political doctrines inimical to, if not directly subversive of the constitution, and favourable to the introduction of arbitrary power. But how had the learned gentleman entertained the House on this occasion? In laying down principles of a direct contrary nature, from which, however, he drew delusive, and, in the present moment of corruption and depravity, impracticable conclusions. The learned gentleman had laboured strenuously to prove what no person on his side of the House would dispute, and what no one on any side dare avowedly to deny, namely, "That ministers were responsible for their conduct, and liable to be brought to an account for the exercise of these powers with which they were vested by the constitution, for the purposes of government." But for what purpose had he said so? Why had he so warmly trumpeted the responsibility of ministers, and particularly of the noble lord in the blue ribbon? For what, but in the same breath to defeat the use and the end of that responsibility, and to convince the House that they ought not to exercise their right and power; to shew that the noble lord was, in fact, not responsible in this instance; that if there was any blame, or any corruption, or any sinister purposes in view, by the late bargain, it was not the noble lord who was the criminal, for the noble lord was honest, and every body acknowledged that he had clean hands; his secretary, his friend, Mr. Atkinson, or any other man might be guilty, except the noble lord. If the House complain of the conduct of the minister, the accused immediately answers, "Oh! he is responsible." If they call for an enquiry into that conduct, and think it necessary to exercise their powers of calling him to an account, "Oh! he is irresponsible in that case, for

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being honest and disinterested he could not be guilty." Thus his responsibility in one instance is to silence complaint, his irresponsibility in another is to stifle enquiry. It was upon such a style of argument and reasoning, that the noble lord's conduct had been attempted to be defended by so zealous a friend, and so powerful an advocate: and these were the reasons urged with so much confidence to shew, that the loan having been negociated by others, his lordship is free from all blame. But when the object of the question is not to fix blame, but to know where it ought to be fixed, the House is then informed it is perfectly needless to take any trouble or concern in the matter; it signifies not, who did this, or who did that, who did subscribe, and who did not subscribe, whether they are living men, or whether they are dead, whether they are members of parliament, or whether they are footmen, whether they are bankers, or whether they are bankers' clerks; all this is a matter of perfect indifference, for the noble lord is solely and exclusively responsible.

After presenting this argument in a great variety of shapes, he proceeded to another point which had been much argued. "That the bargain had been approved of by that House, and that the terms had received all the sanctions from the legislature necessary to give it the force and efficacy of a law; and that consequently it would be nugatory in this instance, and dangerous in point of precedent, to attempt to undo what had been established by all the forms of the constitution. Nugatory, because the evil, if any existed, was committed and was irremediable; dangerous, because in future, it might prevent the minister from borrowing upon almost any terms, which would more than balance any possible advantage which might be derived from the enquiry. There was one general short answer to all this; that if the loan was a corrupt or improvident one, or corruptly distributed, the public had a right to have it reviewed; and that public faith, and the faith of that House, stood no farther pledged to the performance of any one engagement made in their behalf, by those entrusted with the exercise of the executive power, than the measure was founded in equity and justice, and appeared to be a fair *bona fide* transaction. In the present instance, there was *prima facie* evidence that the bargain was corrupt: that it was shamefully wasteful and improvident, and of a nature to hold out more than presumptive or hypothetical proofs, that the public were robbed and cheated in the first instance, and the money of which they were so notoriously plundered, employed to the very worst and most abandoned purposes.

This was a general answer to a general argument; but when the particular circumstances which, he observed, formed the ground of the present motion, as stated by his honourable friend, were considered, not even a pretence for a moment longer existed upon the ground of general reasoning. Some men, as good as any in the city, had been totally rejected; others, of a like description, had not got a tenth, or a twentieth of what they had written for; others again, he would allow good men, had got enormous sums, while, besides, a number of mendicant, obscure persons, nominal people, &c. had had their names set down for most enormous sums.

So far as to the point of distribution; then, as to the actual conduct of the noble lord in the blue ribbon, independent of those who might have abused his lordship's confidence. This noble lord, whom the learned advocate described as responsible, was exclusively responsible in the instance he was about to mention. He should have no occasion, he presumed, to go into an inquiry to get at proofs, because it must have been known to, and within the recollection of, every person who now heard him. He would, for argument's sake, suppose that the loan was made upon the best terms;—but he could never agree that the noble lord was justified in fraudulently concealing the real terms from that House, and holding out others of a totally different nature. His private secretary, Mr. Atkinson, or Mr. Atkinson's broker, could not have imposed upon his lordship. The fact he alluded to was this: the day the noble lord opened the budget he stated the 150 three per cents. at 87*l.* or 58*l.* per cent. and the 25*l.* 4 per cents. at 17*l.* 10*s.* computed at 70; and the lottery ticket at about 1*l.* making in the whole 105*l.* 10*s.* or a bonus or profit of 5*l.* 10*s.* Let this bargain have been ever so secretly corrupt, which he should by and by prove it was, it had every appearance of candour and openness. If it was a bad bargain, it was an open one. If it received the sanction of the majority of that House upon the worst of motives, which he believed most sincerely it did, the minister could not be charged with fraud.

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as well as rapine; but when to this 5*l.* 10*s.* there was added 2*l.* 13*s.* which of course increased the bonus, which was nominally valued at 5*l.* 10*s.* to 8*l.* 3*s.* 4*d.* this he contended was not only a high breach of parliamentary trust, but it was picking the pockets of the public, to the amount of between three and four hundred thousand pounds, in addition to upwards of 600,000*l.* and taken out of those pockets in a more direct manner. It was an insult put upon parliament, which called for most signal and exemplary punishment. It was base and scandalous to hold out to that House, that the bonus was only 5*l.* 10*s.* when it was 8*l.* 3*s.*; and servile and obedient as the House was known to be to the wishes and mandates of the minister, he protested most solemnly that he believed shame would have prevailed in that instance over corruption; and if the House had been informed at the time that they were paying away 8 per cent. or a million of money for the loan, with a capital debt nearly doubled, he believed the noble lord would have, for once, been out-voted.

His hon. friend who made the motion had pointed out the two sources of this additional increase—the discount on the prompt or rather previous payments of the several instalments, into which the subscription had been divided; and the commencement of interest, from the beginning of the year, though the first payment was not to be made till the middle of the current month. It was not, therefore, at all surprising, that the omnium sold the first day at so high a premium, because in the nature of things it could not have happened otherwise; for on that day, comparing the prices of the several stocks, allowing nothing for speculation, or gambling in the Alley, the day after the Budget was opened, the omnium was intrinsically worth 8*l.* 3*s.* It was true, that in the course of the last week, it had fallen for one or two days below that price, which he estimated at par, but had since again got up to its natural level; and his hon. friend under the gallery who seconded the motion, had assigned a most cogent reason why it had fallen. What had that honourable gentleman said, but that in order to defeat the object of this inquiry, which the noble lord and his dependants so much dreaded, Mr. Atkinson, on the Monday, went into the Alley, and sold 100,000*l.* stock, and the next day as much more. What was the language of Mr. Atkinson and his friends on that occasion? "The stock must be depreciated; a part must be sent in; the market must be glutted; the measure is become necessary." But even with these artifices, and with promises, most likely, that the friends of government should be no losers, they were not able to bring down the omnium lower than 6¼, and that only for a single day. It afterwards gradually continued to rise, and was now, as he had heard stated, up at its intrinsic value. Allowing, therefore, for the effect of speculation on one side, and the artifices used to depreciate the stocks on the other, as well as the number of needy adventurers, that had been forced to come to market in order to avoid the first payment, he believed he was fully authorized to affirm that the bonus, both in computation, real value, and market price, was clearly worth to the subscriber, 8*l.* 3*s.* per cent.

His deduction from those facts were, that the noble lord, as finance minister, was highly criminal in his own personal conduct, in so grossly deceiving, and fraudulently imposing upon the House, that his baseness in concealing the real terms, was only equalled by his guilt in agreeing to them, and that if no other fact but that of concealment were to be adduced against him, it was sufficient to prove that he had made a corrupt bargain with an evil design, namely, with an intention of corrupting whoever, within or without that House, might be fit instruments of supporting his power, or increasing his influence.

The learned gentleman had trumpeted forth the praises of the noble lord in the blue ribbon, and made his eulogy in very high terms of panegyric. He had mixed in the course of his oration a particular fact which came within his own knowledge. The noble lord had told him this, the noble lord had told him that; the learned gentleman gave his opinion unsought, and forgot to say whether any grateful acknowledgment had been made. The learned gentleman had appeared in several characters in that House, he had now added another to them. He held himself forth as the noble lord's adviser; but what did all this mighty information amount to, supposing it to be correctly and faithfully stated? To this:—to the confirmation of what the noble lord himself told the committee the first day of opening the loan, that the subscribers would give no more than 55 for 3 per cents. and 68 for 4 per cents. but that

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waiting from the Friday till the Monday, in the interim, news of a tendency to peace arrived, and that his lordship profited of the intelligence; the consequence of which was, that the former were valued in the bargain with the subscribers at 58, and the latter at 70. Now, the effect of the above curious narrative was no more than the merit arising from not giving 11 instead of 8 per cent. profit on the omnium; and in argument it was fair to say, that was no merit at all; for it might be dangerous to make too bad a bargain; a middling bad one might, and he was sure would, have answered every purpose of the noble lord better than a gross, notorious, flagrant bad one. There was a knack in cheating, which would in some measure insure the property, as well as temporary possession of fraudulent gain; whereas, when the fraud was too palpable and gross, the enormity of the imposition endangered a loss of the whole.

But what did this prove, allowing it to be true in its fullest extent? That the noble lord was a person of private integrity; that he was above being guilty of peculation for his own private advantage; and consequently, that his hands were clean of the public money. He did not want to be told all this by the learned gentleman. He had every reason to believe it to be true; but what then? The noble lord's hands are clean: the loan might be a bad or a good one; but whether good or bad, the noble lord is a disinterested person. Now, for his part, in every point of view, he could not help thinking that it was a public misfortune that the noble lord's hands were clean, whilst those of his friends and dependants were so dirty and interested. It would have been better for the nation, in every respect, that half the profits had gone into the pockets of the noble lord, and the other half had been set off to the credit of the nation, than diverted to the pernicious and corrupt purposes to which they had been diverted. He knew the noble lord's caution and address; he was persuaded, that in such a case the transaction would have been so conducted, as not to give public scandal or offence; besides, the noble lord would act, it might be presumed, with particular caution, and be careful of risking too much, or trusting to events which might draw after them the punishment, such a crime, if discovered, would deserve. In the present instance he might be as lavish as he pleased; he was innocent! Why so? Because he was disinterested. This was a mere specious, deceptious pretence; it was full of fallacy; the noble lord, though his hands might be clean, was not disinterested; if he made an improvident bargain for the purpose of corrupting the members of that House; if he employed the influence arising from that corruption to the support of his own power, he was not an innocent, but a guilty man, highly meriting public execration, and exemplary punishment.

That he had done it in the present instance was self-evident. The noble lord would never have been invited into office, but upon condition of promising to carry into execution the measures chalked out to him respecting America. He would not have been suffered to remain in office, had he refused to carry on the American war. Had the nation been left to its own free, unbiassed judgment, it would never have consented, at least if it had, it would never have persisted in the obstinate prosecution of it, after certain events had taken place, after France and Spain had severally declared against us. His acquiescence in those weak and wicked measures, in madly commencing, and more madly persevering in that accursed war, was the price of his place. His power could not be upheld without influence, nor that influence be procured without corruption. Would any gentleman contend, when one man made profits within a year, by contracts, equal to an ample fortune; when another's stated income was equal to a princely revenue; when a third got half a million, a hundred thousand, or forty thousand pounds omnium, equal to an annual income of twenty, ten, eight, five, or even one thousand pounds—Was there any man who heard him who could believe, that persons coming within those descriptions had a free choice or unbiassed judgment? Was it to be supposed, that they could prefer the interest of their country to the amassing great and splendid fortunes, or to answer their immediate wants? It was absurd and monstrous even to mention or press it seriously in argument: when, therefore, it was said, directly, or implied, that the noble lord in the blue ribbon was a disinterested man, because he derived no immediate pecuniary emolument from the transaction under consideration, it betrayed great art, or a total ignorance of human nature, and of the noble lord.

It was true, the noble lord had often asserted in that House, and, he presumed,

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out of it, that he never sought his present situation; wished not to retain it; but to get out of it as soon as another fit person could be got to succeed him. Yet it was not the assertions of the noble lord, but his conduct, which was to weigh with the public. He had felt mortifications sufficient to render any man but himself tired of his situation; it was therefore fair to conclude, notwithstanding what the noble lord might pretend to the contrary, that the love of office, and love of power, were predominant in his mind; so predominant, that he was ready to sacrifice every thing in the first instance to obtain them, and every thing in the second to keep them when obtained.

If this then was the real complexion of the man, and the true texture of his lordship's mind; if corruption begot influence, if influence begot power, and power ensured him a continuance in office, which seemed to be the uniform and steady object of all his pursuits—the learned lord's argument was either fallacious, and meant to deceive and mislead those to whom it was addressed, or it was founded in the grossest error. The noble lord was not a disinterested man, but for the sake of power and place was ready to hazard every thing, and secure and promote his own views by any means. He had promised the people of England, and the country gentlemen, an American revenue to lighten their burdens, when he knew very well that it was totally impracticable; but it was his interest to do so. He had run the nation fifty millions in debt, and sacrificed an hundred thousand lives in the quarrel, when he was persuaded that the money would be thrown away, and the blood of his fellow subjects spilt in vain. These were his promises. How far had he performed them? The people were oppressed with taxes beyond bearing. Every necessary of life, or comfortable enjoyment, came doubly advanced in price to the impoverished and half-starved consumer; under the pretended name of luxuries, his beverage, whether small or strong, tobacco, sugar, and all the articles which, to a poor man, might be deemed comforts, were raised; even salt; nay the very light of heaven was denied him. In the few moments of relaxation from toil and labour, when he might wish for the light of heaven to cheer him, his very windows were obliged to be closed up, in order to escape the cravings of the rapacious tax-gatherer; and if a chink was still left open, he understood that it was in the contemplation of the noble lord to compel the devoted, impoverished, though laborious and industrious man, to stop it up, by a new tax upon the right of nature. But what of all that? Millions upon millions were to be yearly lavished; oceans of blood were to be spilt; the last shilling was to be filched, or picked out of the pocket of the most useful part of the community. All Europe was to be menaced and invited to single combat with this devoted country, and the earnings thus extorted were to be picked out of the pockets of the people, to be transferred into those of the noble lord's friends—and for what? not to recover America — America was given up—no, but to support the noble lord's power, which depended upon the wild and romantic expectation of subduing America, which was, he was persuaded, irrecoverably lost. These were the merits, these were the claims on which the noble lord was entitled to be considered as a disinterested man.

After having been very full on the disinterestedness of the noble lord, he entered into particulars respecting the loan, and its distribution. The learned lord had left every part of the distribution undefended, but what respected a description of men in that House, whom he was pleased to call timid, and affected with weak nerves; he expected the learned lord would have farther urged the plea of weak nerves. Those gentlemen, he says, dislike clamour, have an horror to be made the subject of public animadversion, and of being held forth in newspapers, and other libellous and licentious publications. Now, how a man could possibly be uneasy, or suffer in his feelings, on having his conduct animadverted upon, when conscious of acting right, not only of acting in the known capacity of a member of that House, as had been contended for by the learned lord, (he meant the character of a subscriber) but as a friend to his country, was more than he could well account for. It was a lawful act in the first place; it was a mark of the minister's favour and regard; it was commendable to support government. How then could such public claims of merit be supposed to affect the nerves? It might to some seem paradoxical, but, when explained, would effect two things: it would shew that those gentlemen's nerves were not so radically weak as people might be apt to imagine:—it would show, that however conscious of their own innocence,

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they dare not trust to appearances, nor meet public opinion. He would speak out: —the truth was, that those gentlemen had got part of the subscription under nominal or ideal names: it was equally evident that they knew the loan was a bad one, and they felt, for reasons best known to themselves, that it was a corrupt one. They were desirous therefore to enjoy the advantages, without sharing the deserved odium their conduct would draw after it. They were persons whose characters, though long suspected, had not been yet publicly known or decided. They shrunk from what others equally corrupt boldly met, who, if they had no other merit, had not the baseness attached to those weak nerves. They might have their reasons too: they would go down to their constituents, these very constituents whom they had plundered, and share the plunder with all the pretended virtue of honest men; and with an air of confidence, and a sham of hypocrisy, join in the general censure and resentment due to those who for place and emolument had sold their country; while they themselves, without any claim of merit, any duty annexed, and with a false character, had deposited in their pockets five, or perhaps ten times the sum that the pensioner or placeman derived from his grant or office.

The hon. gentleman who spoke early on the other side, and the learned lord, talked of former administrations, and the sources of influence they possessed and employed. The argument might be a good one upon any other occasion but the present, for he should state a few facts, which, he trusted, would prove beyond question that loans or corrupt distributions constituted no part of the influence of the crown in those days. He was ready to admit the general argument, but not the application. He was fully sensible that every administration that ever had, or ever might exist in this country, would make a difference between their friends and adversaries, their supporters and opponents. It was a natural consequence of political connection; and it would be monstrous indeed, if ministers should set a mark upon their friends, and cherish and favour their opponents. So far the principle of connection and favour was justified by experience. But when it was contended, as it had been on this day, that be the loan ever so bad or corrupt, or its distribution ever so partial, the noble lord had acted right. This was at once acknowledging that the loan was so made, for the very purpose the motion was directed to discover, and therefore it was not making use of an old-established source of influence, for the strength and support of government, but creating the means of influence never before thought of but in one single instance.

He then read the bonus on the omnium on the opening of the budgets of 1758, 1759, 1760, 1761, the last year of the duke of Newcastle's administration, and 1762, during that of lord Bute. The first of those years the bonus was but 1¼ on two millions, the next at 1½ per cent. discount on four millions, the third at 1½, the fourth about 1¾, though twelve millions were borrowed both years. This noble duke in all his loans had shewn, what it is the duty, and what the virtue of a minister to observe. This was a time of war, and it was the time which the friends of the present ministry thought proper to select and brand with the name of extravagance; and yet in all these times, it was not discovered, that douceurs on loans were among the sources of ministerial influence. Lord Bute's loan was the first instance of abandoned extravagance in this way. The principle was then introduced, and his was the only example to be found in the history of this country. At one time it rose, he believed, so high as 9 per cent. but then it was not the terms but the extraordinary advance upon the lottery tickets, which rose to four pounds ten shillings, on account that there were two lotteries that year. Thus it was clear, that the influence created by the loan was of modern invention, that never operated but once, and that partly from the reason he mentioned, and perhaps other unforeseen, adventitious causes.

After answering Mr. Adam very fully, and replying almost to every thing which had been urged on the other side, he recommenced a second attack upon the noble lord in the blue ribbon, reminding his lordship of having dared his honourable friend who seconded the motion, and now, when he accepted of the challenge, basely sneaking away, and covering himself from open shame, public detection, and conviction, through the means of a servile and devoted majority. He then recapitulated all the leading heads of his speech, and called upon the noble lord to stand forth boldly, like a man, and defend himself, or by his silence confess that he was fairly convicted of having made an improvident and corrupt bargain in the

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character of public trustee, and of having prostituted the power of his office to the most abandoned, wicked, pernicious, and dishonest purposes.

Lord *North* said, he made no doubt but his conduct throughout the whole of the loan, and the distribution of it, was such as *would* be sufficient to justify him in the opinion of that House and the public. He *had* been charged with having made a bargain for the public upon the most corrupt motives, and to effect the most pernicious purposes. He had been accused of having plundered the public, and of picking the pockets of the people. These were heavy accusations, and called for a proof suitable to the enormity of the crimes imputed to him. He could say, that they were unfounded and unjust. He was ready to acknowledge, that from subsequent circumstances, the bargain had proved rather disadvantageous to the public; he was sorry for it: but he could truly declare, that it was no fault of his that it had done so. The hon. gentleman, with his wonted ability and flow of language, had endeavoured to fix the charges of fraud and concealment upon him, on account of his manner of stating the profits which would accrue to the subscribers, and had, upon that presumption, accused him of having deceived that House. He was happy in having so many witnesses present now, who were likewise present at the transaction, which was supposed to give birth to that charge. The conclusion drawn from the fact, if true, was not, however, well founded, for the profits upon the discounts were by no means so much as what had been stated; nor was the interest arising between the day of the first payment so considerable as it had been represented. The interest did not commence but from the month of January; the first payment was made on Thursday se'nnight, an interval only of between six and seven weeks; consequently the computation was erroneous, the extra profits not being much more than half what had been mentioned. So much as to the amount of the concealment: as to the concealment itself, he would just state what grounds there were for that accusation. He was ready to confess, that when he made up the account, he stated the bonus only at 5*l.* 10*s.* and in this, he flattered himself, he was fully justified by the custom of that House; and that in omitting to add those profits, he by no means intended to conceal any part of them, nor in fact did conceal them; for though he had not mentioned them as constituting a part of the bonus, he enumerated them in the usual and established language of the Chancellors of the Exchequer, and others in office.

He appealed to gentlemen, if, when he talked of the surplus of the new taxes, he did not add, that that surplus, in the first instance, would be applied to the payment of the interest incurred between the preceding day the stock was to bear interest, and the day of the first payment. As to the discount on the loan, or respective instalments, it was the constant usage of parliament to allow it upon prompt deposits; he therefore thought it totally unnecessary to particularise these two advanvanges. The nature of it was this; that if, before the respective days of payment, a subscriber or holder of scrip came and tendered the sum growing due, he received a discount of three per cent. This, it was clear, was not an absolute, consequential advantage vested in the subscriber, but a conditional one, of which he might or might not avail himself: the discount did not run through the whole time, nor continue a year; it was frequently not convenient to the subscriber to advance his money before the regular day of payment; consequently, under these several circumstances, he was entitled to affirm, that instead of 3 per cent. on the loan, the discount did not amount to $1\frac{1}{2}$; and as to the commencement of interest from an antecedent day, it was the same in all loans; so that, whether the fact of concealment was considered, on the amount of those two species of additional profit, which he had not computed, or added to the 5*l.* 10*s.* bonus, he was well warranted to say, that there was no actual or implied concealment, in one instance, and that the profits said to be concealed in the other, were not any thing like what they had been represented. But independent of what he said on opening the budget, or of what he had a right to avail himself, as established by custom, he had one other answer, which should suffice in place of all the rest. He appealed to the Journals of the House, whether in the resolutions which he moved, the discounts on the prompt, or previous payment of the several instalments, and the commencement of the interest of the loan at an antecedent day, were not specifically stated? The concealment, therefore, imputed to him, amounted to this; a resolution moved

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in a very full committee; a resolution, at the time fully investigated and discussed; a resolution, debated upon the report, and finally agreed to by the House. If this was adding fraud to rapine, and picking the pockets of that House and the nation, he was guilty; if not, then he was free to say, that the accusation must have originated in great ignorance, or premeditated falshood.

The bargain, called a corrupt bargain, and secretly transacted, could not be in any sense called so. It was neither secret nor corrupt, and he would give his reasons. That it was not secret, it was enough to observe, that the transaction happened in the presence of several witnesses, that every negociation, previous to its being finally struck, was open. It was usual for the Treasury, on such occasions, to apply to the monied men, in consequence of which, appointments and interviews succeeded. The current price of stocks was the basis on which both parties proceeded. Three per cents. were at the time at 58, and 4 per cents. in proportion. He wished to have the former estimated at the prices which afterwards took place; but after many reasons offered, and much conversation, the gentlemen with whom he treated stood peremptorily at 55 for the 3 per cents. and 68 for the 4 per cents. in consequence of which the negociation seemed to be at an end, and he parted with the gentlemen on the idea that nothing more could be done with them in the business. In the interim, accounts were received, which seemed to lead to a pacification. The stocks rose in consequence of this prospect; and therefore when the gentlemen with whom he treated met him on the Monday, though they continued to adhere to the same principle of computation, they offered the same terms on the Monday, which they had before refused. They were contented to take the 3 per cents. at 58 instead of 55, and the 4 per cents. at 70 instead of 68, which was their first proposition. Upon these terms the bargain was struck; and here he begged leave to make an observation or two. The negociation was of some continuance; reasons were urged, and propositions were made on both sides; both parties adhered to their own ideas, and the negociation broke off in consequence of the difference of opinion which arose between the negociating parties. It was fair to presume, under these circumstances, that it was not a corrupt bargain: it was clear it could not be a secret one, and for this reason, because every thing which passed between the Treasury Board and those who were consulted as to the terms of the loan, passed in the presence of thirty persons or more.

He could not think, all circumstances weighed, that the terms offered by the subscribers were exorbitant, considering the price of stocks at the time; nor could he much less think, that the bargain was an improvident or apparently disadvantageous one when struck; and if for no other reason, for the following: the stock to be funded was 18 millions 3 per cent. and three millions 4 per cent. The subscribers, who were composed of some of the directors of the Bank, East India and other companies, bankers, and others, laid particular stress upon so great a quantity of stock coming suddenly into the market, and the effect it must necessarily have on the price of the other funds. When, therefore, at one period 3 per cents. were at 58, and afterwards at 61, it was natural to presume, that the plenty, or overflow of stock, would lower its nominal value. He confessed he felt it in that light himself, though, perhaps, not to the extent it was urged; and though the speculation was not exactly confirmed by the event, he could not help thinking it at all improbable. The reports of an approaching pacification gave a value to all the funds, which, perhaps, would not be otherwise allowed them; and when there was a prospect of a rising profit, it was reasonable to presume, that much would be hazarded on the principle of speculation.

Some other modes of raising the supplies, he acknowledged, had been suggested in the committee; but he was pleased to find, that none of them united the two principal objects he had in view so well as that he adopted. Much had been said about an increase of capital. As he said then, the object of capital was nothing, or next to nothing; his wish was to procure the money upon the best terms; that is, upon terms which would call for the smallest annual payments. He had effected it; for if he had adopted the only plan which was suggested, he must have loaded the nation upwards of 100,000*l.* a year more than by the terms of the present loan it was obliged to pay: so that so far from wantonly loading the nation, the loan negociated had a direct contrary effect.

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It was much pressed, as a proof of the improper distribution of the subscription, that those who lost by the loan of 1778, were either totally excluded, or got in the present but a very small proportion of what they wrote for. The fact might be true as stated, though he did not know it was; and yet those gentlemen would have no right to complain; for there had been two profitable loans to the subscribers since, and it might be presumed, that the losers at the former period might have been partakers of the profits since, and have been made ample amends for their former disappointment. He heard several names mentioned, Messrs. Stratton and Co. Mr. Bordieu, &c. He did not recollect the first. He remembered Mr. Bordieu, and recollected well, that he had been a considerable subscriber last year, if not the year before; consequently, though he had been a loser in 1778, the profits he might have made since, it was probable, more than compensated his former loss. But he did not think himself exactly bound to answer for events of this nature. It was probable, that gentlemen who subscribed in 1778, subscribed with a prospect of advantage; and there was no doubt but a risk attended every transaction of this nature. He was free to confess, that he could not undertake to make such a distribution as was likely to please all. In 1778, there were but 240 persons offered; in 1779, 600; in 1780, 1,100; and in the present year, 1,600. He would submit to gentlemen how difficult it must be to select with precision out of so great a number, in so short a time, considering, too, the immense sum that was offered, upwards of forty millions. In that case he had done as well as he could: the subscription was divided among 1,100 persons, many of them known, and several recommended. Upon that principle he had formed his list, and all he thought necessary to add on the occasion was, that no person whatever, to his knowledge, had been rejected on account of his avowed or suspected principles. A preference, it was supposed, might be given, but he knew of none, farther than where the parties were known to be men of property, or where they had a fair claim to attention.

The hon. gentleman had said a great deal about concealment, and suppressing the names of some of the subscribers. He believed the circumstance had been sanctioned by custom; as long as he could recollect any thing of loans, it had been invariably the case. In his apprehension, it made very little difference, and no industry or caution could prevent it, if gentlemen chose to conceal their names. They might come in under another name, or for a part of another person's subscription, and at all events there was a risk attending managements of this kind, for which the ostensible subscriber was always responsible. The hon. gentleman, who seconded the motion, charged him directly with employing Mr. Atkinson to sell out 100,000*l.* stock, to glut the market, and depreciate the stock. The charge was false; it was a gross falsehood, and he defied the honourable gentleman to prove it. [Here a great cry of Order! order!]

Mr. *Byng*. I must again appeal to the House, whether I charged the noble lord with employing Mr. Atkinson to sell stock to glut the market; nor did my charge go home either to the noble lord, or the secretary of the Treasury; I am not ready to charge, where I am not ready to prove; but I am ready to prove, that Mr. Atkinson's broker sold 100,000*l.* on the Monday, another 100,000*l.* on the Tuesday; and that on the Thursday there were requests made to individuals to sell, in order to save the credit of the noble lord; that was the reason assigned.

Lord *North* proceeded. On the whole he contended, that he made the best possible bargain, under the existing circumstances; that close subscriptions were always conducted in a similar manner: that seeming partialities must happen from the established mode of conducting the business; and as he had no intention of promoting his own separate interest, neither had he acted in any way directly or indirectly which could afford a just cause for supposing that he had made a corrupt bargain, with a view to promote the increase of influence, in order to support his own power.

Sir *Fletcher Norton* rose. He said the present was a great and most important question. It was a motion for an enquiry into a supposed crime of a public nature —a crime, which if proved, would appear to be aggravated in all its circumstances. It was no less than a direct accusation against the noble lord, of a breach of trust in the execution of his office; a trust, the faithful discharge of which he had been entrusted with by his sovereign and his country. He should not at so late an hour trouble the House, or detain it by entering into a detail. It was enough

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for him that he heard the extent and criminality of the charge, and the foundation for it; namely, the extravagant premium, and presumed corrupt bargain, and the still much more corrupt distribution of it, were it possible in idea to separate the one from the other, which, in his opinion, they could not; for by what appeared both in fact and argument they constituted one transaction, the bargain appearing to have been made on account of the distribution.

The noble lord and his friends seemed to fly from the enquiry; he could not say that it was a proof of his guilt; but this he must say, that it was a strong presumption of it, else what reason could there be to stifle and suppress it? When applied to the conduct of the noble lord on former occasions, the imputation came with double weight. He had, in a long course of attendance in that House, often heard his lordship accused of misconduct: he had as often heard his lordship put his accusers at defiance, call for their proofs, and challenge an enquiry into his general and particular conduct. Now, for the first time, a specific charge is made against him; a great variety of facts are stated, some that could belong to none but himself, nor for which no other person could be responsible. He was not present when the hon. gentleman, who stood forth on this occasion, pledged himself that he would bring forward the accusation; but he understood the noble lord invited the attack; yet now, when issue is joined, the noble lord shrinks—from what?—from an enquiry or investigation of what he affected to wish for, but now attempts to evade. It was for the honour of the House; it was for the noble lord's own honour to meet the enquiry like a man, if he was innocent; and if he was guilty, he trusted the House had not so totally forgot their duty to themselves and their constituents, as to screen him. If the latter should be the case, then would be fully verified what had been so often alluded to, or insinuated in the debate, that the very cause of his guilt was the ground of his security.

Much had been said about the impropriety of the enquiry; but for his part, he did not see upon what subject the House could possibly so fitly exercise that inquisitorial power, vested in it by the constitution, as the present. The members of that House were entrusted by their constituents to grant their money, and see it faithfully applied. It was not, therefore, a matter of choice, but absolute duty, unless they violated the trust reposed in them, to see that that trust, when delegated to the minister, was faithfully discharged. The transaction, to make the best of it, was a foul and dark transaction; and for his part, he was at a loss to know how any man who refused to go into the proposed enquiry could dare to meet his constituents, because, whether blameable or not himself, he must be deemed a partaker in the guilt.

It was contended by the learned lord, and several other gentlemen on the same side, that the members of that House had a right, at least a kind of prescriptive right, to a share of the loan. That such of them as were not merchants or dealers in money, had not, was, he was convinced, out of the question; but in his opinion, no man in that House ought to partake of the subscription; and so thoroughly persuaded of it was he, that as long as he had the honour of sitting in that chair, though he might, and he believed it was customary, he never would accept of a single shilling in any loan. His reason for it was this: the members of that House, if they had any character, it was that of acting as trustees for their constituents and the public at large; then only see the double and preposterous relation they must stand in towards their constituents. They must borrow the money in one capacity, and lend it in the other, and of course their views and interests must be discordant and repugnant to each other. The better bargain they made as representatives, the less profit they would of course receive as subscribers, and so *vice versa*. He appealed to gentlemen, whether it was the interest of the borrower to leave it in the power of the lender to fix his own terms? or did it partake of the nature of a trust, under any given circumstance, that the execution of it should be for the benefit of the trustee? It was a temptation too great for any man to withstand, and too trying for any honest or prudent man to wish to put himself into. He therefore once more conjured the noble lord, for his own honour, for the honour of the House, and in regard to his country, to meet the accusation like a man, and not meanly fly from it under the protection of a majority, who would be justly suspected of being partakers in the guilt. His lordship had often defied and challenged his accusers. If the present motion should be agreed to, they and he would be at issue; and if he

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declined the contest, however innocent he might be, the united voice of mankind would pronounce him guilty.

Mr. Solicitor General *Mansfield* said, a great outcry had been raised against the minister, but it was merely to put the people out of humour with their governors. The orators on the other side were continually alarming the public with the idea of calamities they knew did not exist. That the war, and taxes raised in consequence of it, would be felt by the people, or indeed that they were already felt by the people, he knew better than to deny. He believed the public did feel calamities from those things, but in no greater degree than absolutely unavoidable; and when opposition dwelt on that, they might, perhaps, be justifiable. But they were not so when they first stated that the minister was corrupt, and afterwards deduced calamities from that corruption. The House were called, he said, to vote for an examination into the circumstances of the loan, without any one charge being even so much as suggested against it; and he would remind it, that at the time the loan was under their consideration, the only one thing that the other side of the House cried out against was, the douceur of the lottery, which they thought ought to be taken away; so that, notwithstanding all they now said, and all they pretended, they never meant any thing more than to strike off the lottery, which, had it been done, would not have reduced any of the burden they affected to think lay upon the shoulders of the public. They had not said any thing against the loan itself, which they now felt themselves so anxiously, and so suddenly inclined to investigate. They had, indeed, thrown out some insinuations against the minister's conduct, but they had no proof; they must enquire first, before they could come to proof. Objections had been made to the loan, because members of parliament had subscribed towards it; but for his part, he did not know why members might not lend their money to government as well as other people. The right hon. gentleman who had spoken last, was pleased to advance, that members who had subscribed to the loan were incompetent to vote on the present question; but he was of a very different opinion. Such a weakness in the members of that House, would be acting more like children, than the representatives of a great empire. Members who had subscribed to the loan could surely vote with the greatest propriety respecting it, for they knew more of it than other people, and knowing in their consciences that the terms of it were good, it would ill become them not to give it their approbation and vote. He took notice of the complaint made against the minister, for the manner in which he had distributed the loan, but he did not know by what act of parliament it was, that the minister was compelled to give to this person just so much, and to that subscriber such a particular sum. He was not bound to proportion it out according to the sum tendered, but had that part of the business of the loan left entirely to his own discretion. Upon the whole he contended, that the loan had been conducted this year as heretofore, without the smallest deviation from the established rule, and he was of opinion, that if the subscribers should be made liable to the examination of a committee of that House, it would be attended with the most pernicious consequences, as few people, able to subscribe to the loan, would chuse to have their characters, their families and fortunes inquired into, merely to please the caprice of an individual, or the views of a party.

Mr. *Dunning* said, it was no wonder his learned friend had so good an opinion of the form of the loan, as the Attorney and Solicitor-Generals were, by virtue of their office, entitled to a particular share of it. The learned gentleman had said there was no proof, and that the House must first enquire before they could have that. The natural syllogism, he should think, was that his learned friend would of course vote for the question, because the very object of that question was to enquire, which the last speaker had himself allowed was the necessary step to be taken for coming at the proof; and yet he was rather inclined to think that he would reverse the syllogism, and vote directly against the question. He was not a little surprised, that he should advance that the terms of the loan had not been impeached, because in every stage of it, there was not an epithet of reproach that had not been applied to it. [When the learned gentleman had concluded, a number of members, who through the greatest part of the debate had been in the coffee rooms adjacent, now crowded in, and called with loud and continued uproar for the question.]

The *Speaker* thought fit to rise, and call them to order. In a sensible and pointed speech, he severely reprehended

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the custom. There were, he said, a regular and uniform set of gentlemen of a particular description, who did not think it at all necessary to attend to any part of the debate, in order to receive information, or judge where the merits of a question lay, that they might decide with decency, or vote with conviction; but they went to the coffee houses, and there spent the whole day, and came in towards the conclusion of the debate, and with the utmost disorder and incivility called for the question, and put a hasty stop to the calm deliberations of such members as acted up to their duty, in attending the business of the House. He hoped, that as it was a practice so derogatory of the honour and the dignity of parliament, and so inconsistent with the gravity of a house of representatives, that he should not have occasion again to take notice and complain of the indecency.

The *Attorney General* defended the loan and the minister. He reprehended the measure of inquiring in a committee into the characters and fortunes of men, merchants, and bankers, whose professional existence depended on the credit of their reputation, for by such an inquisition they would be precluded the opportunity of defending themselves.

Mr. *Turner* was severe on the members who had been enjoying their bottle and glass up stairs, till it was time for them to come into the House, and divide.

The House divided:

Tellers.

Yeas	Mr. Byng Mr. Hussey	163
Noes	Earl of Lisburne Mr. John Robinson	209

So it passed in the negative.

Debates in the Lords on the Commutation of Tythes for Lands in Bills of Enclosure.] March 30. On the order of the day for receiving the report of the Ilmington Enclosure Bill being read,

The Bishop of *St. David's* (Dr. Warren) rose, and made a short prefatory discourse, in which he acquainted the House, that as the mode of commuting tythes for lands in Bills of enclosure had long appeared to him to be very improper, and as this mode was adopted in the Bill now under consideration, he had proposed in the committee above stairs, to amend the Bill, by leaving out all the clauses in which land is given to the rector, by way of compensation for his tythes; but the amendment not being agreed to, his design now was to make a motion for recommitting the Bill, and had for this purpose desired to have the House summoned. As the rights of the church in general, and of the parochial clergy in particular, were involved in this question, he was sure he had no occasion to make any apology for the trouble he was going to give the House. He stated that tythes were the constitutional maintenance of ecclesiastical persons in this country; that the law for compelling the payment of them was at least of 1,000 years standing: that the doctrine in Westminster-hall, and all our law books, was, that all lands are tythable *jure communi*; and in compliance with this notion, and agreeably to this maxim of law, when inclosures were first made, incumbents were always permitted to take the tythes of the lands enclosed, in the same manner as when open; adding, that it had been the uninterrupted custom till lately to have enclosed lands subject to the payment of tythes in kind: he believed the innovation was not of more than thirty years standing.

The first reason was, that this practice tended to bring land into mortmain; which was one reason among many why our ancestors thought tythes the best and properest maintenance of ecclesiastical perssons. Secondly, commuting tythes for lands was improper, as tending to render our clergy more secular, the income arising therefrom being easily managed. The incumbents neither plough, sow nor reap, but when employed in country business, from one end of the year to the other; and thus immersed in worldly affairs, it will take them off from the faithful discharge of the duties of their sacred functions; and though they might free themselves from this trouble by letting their lands, yet, considering the scanty incomes of many of the parochial clergy, they would be induced to occupy these allotments themselves, with a view to make a better provision for their families. Thirdly, a compensation in land would open a door to fraud. Parishes of any considerable extent, consisted partly of old inclosures, and partly of common fields; and when these last were enclosed, and made exempt from the payment of tythes, it was usual for the occupiers to threaten the incumbents to plough up the new enclosures only, which are now become tythe-free, and to keep the old

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enclosures in grass, they being subject to tythe, unless the incumbents will consent to let the occupiers have their corn-tythes in the old enclosures at a very low price. This was a very obvious piece of craft, and was practised every day to the great detriment of the parochial clergy.

He next objected to this practice of *giving* lands in lieu of tythes, because it *often* tempted the incumbent to collude *with* the patron. Patrons are frequently lords of the manor, and, as such, are commonly the principal proprietors of the land. This being the case, the patron forms a design of enclosing the parish, and communicates it to the incumbent, who readily consents, and only asks, that care may be taken that the allotment to be made in lieu of his tythes may be equal in value to them. The patron promises to take care of this, and to free the incumbent from all apprehensions, engages to farm the allotment of him at as high a rent as he ever made of the tythes in the best times. The enclosure takes place, and the patron hires the allotment of the incumbent on the fair terms he proposed. In a few years the incumbent dies, or is removed; a new incumbent succeeds, who proposes to let the allotment at the same price his predecessor had done, but finds that he cannot get so much by half, and finds also that it is really worth no more. As the facility of practising this sort of collusion flowed from a bare consideration of the case, it was remarked that there was no occasion to produce any instance, since the possibility was sufficient in point of argument; but if it were necessary, he had an instance now in his mind, which, if it were required, he would mention.

A fifth reason might be drawn from a consideration of the difficulty of cultivating the allotted lands in such a manner as to make them of real benefit to the incumbents. It had been usual to insert in enclosure bills, a clause for enabling the incumbent, with the consent of his diocesan, to let the allotment for 21 years. This latitude was given, that the person who might rent it should have sufficient encouragement to treat the land in a good husband-like manner. The incumbent would be glad to occupy it himself, in order to add a little to his present income; but as it would perhaps require 7 or 800*l.* to stock a farm of this kind properly, it would be totally impracticable, very few of the parochial clergy being able to advance half that sum; consequently, when the terms are expired, the incumbent under such circumstances will be under the necessity of letting his compensation in land much below its true value. It sometimes happened, that when even his allotment was fenced in, nobody would offer himself as tenant; an instance of the kind having come to his knowledge in the diocese of Lincoln; which as it produces nothing, had caused the performance of divine service to be discontinued; adding, that if so many inconveniencies were found in this mode, though in its infancy, instances of the kind would continue to multiply, when the barns erected on these allotments became ruinous, and the fences out of repair. Whereas if the old mode of taking the tythes in kind, or commuting them for money, had been continued, not one of these inconveniences could have happened.

His lordship proceeded to answer such objections as he thought would be made to his proposal; and under this head went through all the cases of enclosure: first, he considered parishes consisting of open field lands only; next, parishes consisting of old enclosures and open fields; and lastly, parishes consisting of old enclosures, commons, and waste grounds; and endeavoured to shew, that in all these cases the incumbent, whether rector or vicar, would reap more advantage from having the tythes than an allotment in land, except in parishes consisting of open fields only, and as there were very few parishes of that description, no great inconvenience would arise, if land or a corn rent were given by way of compensation for the tythes in those cases.

Tythes had been considered by many as a very improper maintenance for the clergy, because they were apt to produce disputes, and breed much ill-will between a pastor and his flock; and an allotment therefore in land was much to be wished. He confessed that this argument had weight as well within as without doors, but still he contended, that it was a very fallacious one. He remarked, that the incumbent always asked a reasonable price for his tythes, because he always asked less than an impropriator did, in all cases under the same circumstances; and if it sometimes happened that a suit was instituted by the incumbent for the recovery of his dues, it generally proved in the end, that the occupiers were to blame, since out of 700 tythe causes which have been tried in Westminster-hall, 660 were determined in favour of the incumbents; and

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therefore it appears to be particularly hard that a remedy which is so detrimental to the real interests and rights of the parochial clergy should be made use of, on a pretence of establishing peace, when the fact is, that the peace and quiet of a parish has hardly, in any one instance, been interrupted by the incumbents themselves.

Tythes, in the hands of a discreet and judicious clergyman, instead of breeding quarrels, he was persuaded might, and often had, proved the firmest bond of union and friendship between the pastor and his flock. Such a man would always confine his demands within the bounds of moderation, would shew his parishioners how kindly he treated them, by comparing his demands with those which their neighbours were proud to submit to, who happen to live in a parish where the tythes are in the hands of an impropriator; and by means of these communications, and a little yielding on each side, it is easy to conceive what mutual esteem and regard may be thus raised between the incumbent and his parishioners. But when the tythes are taken away, this cement is broken; these opportunities of communication are at an end; and as the parishioners are independent of their minister, so the minister is independent of them. They will certainly soon forget the relation they stand in to him, and he will, perhaps, too soon forget the relation he stands in to them; and instead of being an adviser or counsellor, and a friend, he will sink into the common mass of farmers, and be as little respected and regarded as the meanest among them.

He begged leave to remind their lordships, that about 60 years ago, a Tythe Bill passed the House of Commons; the object of this Bill was to make all lands tythe free for which no tythes had been paid for the last 40 years, and to give all money payments in lieu of tythes the force of a modus, in case the payment had been invariably the same for 40 years. The only argument made use of in the House of Commons was, that this Bill would effectually establish peace and harmony in every parish. When this Bill was brought up to the Lords, they would not impose on others, nor be imposed on themselves, by a fallacious argument drawn from peace, but shewed themselves the true guardians of the rights of the church, by rejecting the Bill with the utmost indignation. He would trouble their lordships no farther at this time, against the principle of the Bill, as far as it related to the commuting of tythes for lands, though he made no doubt of being able to prove how exceptionable the Bill was on other accounts: but as he expected this matter would be fully taken up by other lords, he should offer nothing on that head; he nevertheless thought proper to observe, that if the Bill were really and truly unexceptionable in all respects, yet if the principle he had been combatting was wrong and improper, the amendment proposed by him in the committee on Wednesday last ought to have been received; the persons concerned in this bill, it was true, might say that they had rather have no bill than a bill thus amended; this in his apprehension would amount to a declaration that it would not be worth their while to enclose, unless they were permitted to make some encroachments upon the property of others, in order to add to their own.

The Bishop of *Peterborough* (Dr. Hinchcliffe) professed a willingness to meet his reverend friend on the principle of the Bill. For his part, he took its probable operation to be directed a way very different from that which had been chalked out by the learned prelate. He could never discover from what had fallen within his observation, but there were many other instances to which the principle of the Bill might possibly extend, where clergymen were land-holders and occupiers in their clerical character; several of them had glebe land, which they either cultivated themselves or let out to others. In the present case there was no compulsion upon a clergyman more than any other, because he possessed a landed estate for life, that therefore he was obliged to keep it in his own hands to occupy or cultivate it. In his opinion it was optional, and he was no more obliged to cultivate his lands, to raise the produce of them, and sell it, than any other person who now heard him. On the contrary, if he took his tythe in kind, he was obliged to collect it at no small trouble, and often attended with great vexation; and as he could not consume any considerable part of it, he necessarily sent the rest to market, or sold at his own house. Here he acted in the capacity of a farmer, as to the sale; and considering all circumstances, he doubted much whether the toil, labour, and anxiety, was much less in one way than the other. By having a compensation in land, he avoided many

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inconveniencies, and one in particular which materially affected his ecclesiastical character, nay tended to defeat the sole object of the institution of ecclesiastical persons. It was often of very little consequence, that a clergyman was a good man; that he was benevolent, kind, meek, and generous; that he possessed every Christian and moral virtue; that he laboured incessantly, as well by precept as example, in the care and instruction of his flock. If he preached like an angel, he would often preach in vain, while those to whom he addressed himself had conceived prejudices against him; and for what? only because he was a partaker of their property and labours. The interest of the incumbent was deemed incompatible with the interest of his parishioners; and the merit of the ecclesiastic was viewed through a partial medium, when his fair, legal, established claims, came to be balanced against the interest of his parishioners. The pastor was in short totally sunk in the tythe collector; and not what he recommended, but what he sought or demanded, was the object kept up to the eye of those called upon to discharge it.—Another material circumstance was this; that by the superstitious acts of the regular clergy in the times of popish ignorance, the secular clergy were defrauded of their rights. He thought fit to mention this on two accounts: first, to remind their lordships that the injury done to the secular clergy in those times was afterwards confirmed by Henry 8. He put an end to the existence of the regular clergy, but perpetuated the injustice; for, instead of rendering to the church what had been unjustly taken by monkish fraud, he created lay impropriations, the possessors of whom retain the property originally intended for the maintenance of the secular or parochial clergy. This produced a kind of mixed property, which was now distinguished by the appellations of rectorial and vicarial; that is to say, the lay impropriator, who stood in the shoes of the regular popish clergy, frequently held the great tythes; while the vicar, to whom was committed the care of souls, received only the small ones.—The Bill before the House, and every other Bill of a similar nature, would in some measure remedy that defect; it would make a certain provision for the vicar, whereas if the vicar had, suppose for instance, the tythe of corn, the corn-land might be thrown into grass, to which he could have no claim; or *vice versa*, grass-land might be broke up, and thrown into corn, to the exclusive benefit of the lay impropriator, and to the injury, or, in some instances, even ruin of the vicar. This was, in its present shape, a most grievous evil, and along with all the other mortifications the vicar suffered, left him at the mercy of his parishioners; for in many cases, if the parish thought fit to confederate against their pastor, they might easily deprive him of the means of subsistence according to local and other circumstances.—On the contrary, by setting out his portion in land, his income would be better secured; he might let or occupy as he thought fit; and his having no demand on his parishioners, would render him independent; he meant, give him that sort of independence which would enable him to discharge his duty, because he would stand in relation to his parishioners as a man of property, in the same light with every other man, upon his moral character and means of livelihood. He would possess, besides, the advantages arising from his clerical character, which would smooth the way to that species of influence or authority every pastor should have over his flock; because every object of worldly contention or personal interest, being removed, whatever he said would be attended to with that degree of respect, which was due to a person who had no other motive to admonish, to persuade, or reprehend, but what was ultimately directed to the spiritual benefit of those who were committed to his care.

The Earl of *Westmoreland* perfectly coincided in sentiment with the prelate who spoke last. He was satisfied of the justice, and was convinced still more of the expediency and sound policy of passing enclosure-bills in general, and of setting out to the parson a certain portion of land in lieu of tythes. Land would always bear a certain and proportionate value; and was not like money which was constantly undergoing changes in respect of its relative worth: such a mode of commutation would likewise be productive of many other consequences of a very beneficial nature, so far as it would operate towards promoting a good understanding between the clergyman and his parishioners, which would give additional weight to his doctrines, and create a proper respect for his person and example.—Taking tythe in kind, or commutations in money, he considered as a source of perpetual strife and

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ill-will. It was hardly to be expected that the flock could be much edified by the instructions of a man whom they considered as their daily oppressor, and sharing with them the fruits of their laborious industry; nor could it be expected that the pastor would be so sanguine in conveying his spiritual benefits to those who were constantly devising new means to harrass and perplex him.—In other respects, taking tythe in kind, or commuting it for money, where the farmer was obliged to pay nearly the full value, was a great discouragement to agriculture and every species of improvement. It must be very obvious that the land-owner and landholder were frequently deterred from improving their farms or estates, merely because it would create or lay the foundation of a tax upon their own property; for instance, suppose a man laid out a considerable sum of money to improve a freehold or leasehold estate; in that case he would, besides having the interest of the money laid out to charge on the improvement, have an additional tax laid by the rector or vicar; which, as he observed before, must continue to operate as a discouragement to the reclaiming of barren lands, and a higher cultivation of grounds more capable of improvement. But when this odious tax was, instead of being arbitrary, at the will of every new incumbent, and as it frequently happened, was annually exercised according to the caprice, litigious disposition, or avarice of the same incumbent; when the sum was fixed and tax certain, not contingent, the landholder or farmer then proceeded with zeal and alacrity, under the idea of perfect security, that he was working, toiling, and advancing his money for himself and not for another. He did not rest his argument upon hypothetical reasoning, he would appeal to every noble lord present, if this was not the case in a greater or less degree in his own neighbourhood, and where inclosures had taken place, whether the face of the country was not totally changed for the better, and whether more grain in the corn inclosures and more grass, where the rearing and feeding of cattle and sheep were preferred, was not the consequence? There were other reasons equally cogent which might be urged, both for the inclosing of land and the apportioning a certain part of the land so inclosed to clergymen: he should content himself with briefly hinting at one, and it was this; that the man who had a certain number of acres which he could call his own in the first instance, and free from tythe in the second, would prize it more than double the quantity, in common, and subject to pay tythe, and that on a very simple and obvious account, because the labour, industry, and money laid out upon it, would be all his own as well as the soil, and he would thereby have an opportunity of adding to the value of his estate, which would be impossible so long as the soil continued to be unascertained, and remained liable to be taxed by the rector or vicar in a sum, in many instances, equal to the annual value of the soil.

The Earl of *Coventry* expressed his perfect approbation of commutations in preference to tythes, particularly commutations in land; and experience in this, as well as in all worldly transactions, he said, was the best guide. Considering it merely in that light, he therefore believed it would be found almost universally true, that in those parishes where commutations had taken place, they were productive of peace, good will, and good neighbourhood; that the pastor was happier, more respected and in fact easier in his circumstances, while his parishioners remained no less contented than amicably disposed towards him. The learned prelate, who opened the debate, seemed to lay great stress upon one circumstance, which was, that by making the parson a land-owner, it would draw his attention to cultivating of his land, and of course occasion him to neglect the sacred functions of his ministry. He believed when the tythe was taken in kind, it rather made against the conclusion drawn by the learned prelate than for it; but even supposing that not to be the case, he could easily conceive, that his attending to his worldly affairs for six days of the week, might be well dispensed with, if he dedicated the seventh to discharge the functions of his ministry, which day was set apart by God himself for that purpose. The clergy, taken in the aggregate, were besides a very numerous body, and notwithstanding the very high respect he entertained for them, he did not know, when not actually employed in their proper vocation, how they could pass their time better than in attending to those concerns which every man was bound to perform. He would indeed, by such a meritorious conduct, unite example and precept, and convey to his flock practical as well as theoretical instruction.

The *Lord Chancellor* observed, that

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when a point of such great importance came before their lordships, it was befitting their dignity to treat it in a stile of gravity suited to a subject, the decision of which might affect great numbers of the most respectable members of the state in one point of view, no less than the whole body of the clergy of England, the whole of the landed interest, no inconsiderable description of men, and all those who rented lands, and obtained a livelihood by agriculture or grasing. The arguments urged by the reverend prelate who opened the debate, seemed to have been the result of laborious research, and deep and sober investigation; which, as long as Christianity continued to be the established religion of this country, must at all times, and on every proper or necessary occasion, challenge in a peculiar manner the attention of the legislature, particularly of that House. Taking the matter up in that point of view, as involving in it the interests of so respectable a body of men as the clergy of this kingdom, the great guardians of the religion of the state, and the morals of the people committed to their care; it becomes an object of singular importance: but without having any intention to travel out of the question, in order to pay a compliment to persons habited in lawn sleeves or in any other dress than the rest of mankind, the question with him would be, what are the rights of the clergy, as derived from the constitution and confirmed by law? That, and that only, was the sole object worthy of their lordships' considerations. This should be undertaken free from all partiality or prejudice, private views or local interests. In this temper he was determined to take up the question, and if he should mistake the real object, he trusted those who heard him would impute it to incapacity, and not a design to mislead.—The learned prelate was fully justified in saying, that the rights of the clergy were coeval with the constitution, and had since the first establishment of Christianity in this kingdom, a period of upwards of 1,000 years, been vested in the manner in which they were claimed and enjoyed at present; and though the Lateran council, held in the 11th century, ascertained the rights of the clergy in a more specific manner, with the consent and approbation of all the sovereign princes of Christendom, yet the final settlement then made and ratified by all the parties concerned, was rather a recognition of rights already exercised and enjoyed, than creating new ones. Thenceforward, the property of ecclesiastics, and ecclesiastical bodies and corporations stood upon as strong foundations as those which supported any other species of property, and so it continued without interruption till the time of the Reformation. At the dissolution of the monasteries it was true, a great part of the patrimony of the church went into the hands of lay impropriators, and soon after, so early as the beginning of the reign of queen Elizabeth, the lay patrons and others interested in the event, wished to push matters still farther, and as it were to strip the church of almost every thing she possessed, by pretended compositions, modusses, not supported by prescription, and collusive bargains and agreements between the incumbent for the time being, and every person who might have it in his power to force or delude the person in possession, to defeat or injure the interest of his successor; those frauds at last became so destructive and notorious, that the legislature was obliged to interpose, and by laws enacted to prevent all fraudulent bargains made by the person in possession, to the detriment or injury of his eventual successor; in which, among other things, the bishops or chapters were prevented from making longer leases than for 21 years, and the rectors and vicars longer than for 7, so as to bind those who were to come after them. The rent or equivalent reserved was not to be less than that paid by his predecessor, nor was any modus hereafter to be considered as such which could not be proved to have existed at the time of the passing of that Act, and previous to that Act which could not be traced up to what in law was understood by legal memory. The universities for the same reasons were restricted from making any commutation or receiving any compensation but in corn, which was to bear a proportion to the current value; that is, wheat was estimated at a certain price, and so many quarters were to constitute the reserved rent, and whatever the corn came to at the future current price at the next market town, the university were to be paid to the amount in money. Hence the rights and property of the church, and of ecclesiastical and other learned bodies, if they were not restored, whatever part of them remained were in a great measure secured against future fraudulent alienations, and proved a

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strong proof of the wisdom and sound policy of the framers of those laws; exhibiting beyond a possibility of doubt, that the evils they were intended to correct existed, and pointed out the necessity of keeping a cautious and jealous eye upon all those, who under any pretext, would endeavour to alter the tenure, by which the ecclesiastical polity was maintained. Innovations attempted upon ancient establishments, furnished at all times good ground of alarm, and if no other argument could be adduced in support of it, the conduct and caution of our ancestors held out an example worthy of modern imitation.

His lordship, after having given a most able account of the formation of the ecclesiastical polity of this country, and of the various changes it underwent, as to the different modes adopted, but in which he contended the principle in a single instance had never been departed from, next turned his attention to the mode in which private bills were permitted to make their way through both Houses, and that in matters in which property was concerned, to the great injury of many, if not the total ruin of some private families; many proofs of this evil had come to his knowledge as a member of the other House, not a few in his professional character, before he had the honour of a seat in that House, nor had he been a total stranger to such evils since he was called upon to preside in another place. He did not recollect the twentieth part of them, but he could not forbear stating a few, which had recently challenged his recollection. Through the latter channel he had learned, that there was a family of the name of Gardiner, in Wales, which had been stripped of its whole property by the compendious and certain operation of a private bill. This, surely, must have proceeded from the most criminal inattention, for he could not attribute it to a criminal intention to ruin the unfortunate and distressed; indeed, he believed he might point out with certainty one source of the evil, he meant the facility, or rather rapidity with which private bills were hurried through the committees of the other House, where it was not unfrequent to decide upon the merits of a bill, which would affect the property and interests of persons inhabiting a district of several miles in extent, in a less time than it took him to determine upon the propriety of issuing an order for a few pounds, by which no man's property could be injured. He begged leave, while he was on this part of his subject, to state a particular fact, which was reported to him upon an authority which no person who heard him would, he believed, question, after he mentioned the voucher's name; a man, he would be bold to say, one of the most upright and honest in either House of Parliament, whether those epithets were applied to him in his public or private character; the gentleman he alluded to was sir George Savile; the circumstance was this: in a committee on a private Bill, a man habited rather meanly attended the committee, and seemed to be more anxious and interested in the business going on than what generally happens in the case of a by-stander, whom mere curiosity might have drawn thither. The Bill took up some time before the members agreed to a report, yet the stranger was not absent scarcely an instant; at length, when the committee had finished, the stranger betrayed visible emotions and an apparent distress of mind. The worthy baronet interrogated the man upon the cause of his seeming embarrassment, who informed him, that a particular clause in the Bill which had just passed the committee, would involve him and his family in certain ruin; that when he heard such a Bill had been introduced into the House, he was aware of what he had been just then a witness to; that having no means of conveyance, he was necessitated to walk up to London on foot, and not having money was not able to fee counsel to defend his rights. The worthy baronet made farther inquiries, and finding the poor man's story to be well founded, removed all the impediments that stood in his way, by which means an innocent, indigent man and his family were rescued from destruction.

His lordship adduced one or two other instances of a similar tendency, and proceeded to make several observations on the Bill: he first examined the preamble, which described the property intended to be divided, containing in the whole fifty-two yard lands; containing likewise a recital of the names of the parties, namely, the lord of the manor, the patron of the living, and the incumbent or rector. The Bill then states the names of five persons, who have a right to the common fields in commonable land, to be inclosed, which fields are to be divided among the said proprietors. He observed,

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that in the said recital, it was taken for granted, that the patron and incumbent were intitled to certain glebe-lands; to tythes great and small, or modusses. His lordship then proceeded to examine every provision of the Bill, pointing out some act of injustice, partiality, obscurity, or cause of confusion in each. Having finished his animadversions on the clauses, he proceeded to answer some of the arguments resorted to by those noble lords who spoke in reply to the learned prelate that moved the recommitment. In answer to the bishop of Peterborough, respecting the advice given by him to the clergy of his diocese, to conciliate as much as possible the good will of their parishioners, by commuting their tythes at a reasonable value, he was ready to approve of the conciliatory advice, though he must be of opinion, that the surrender of a man's property was rather a novel mode of obtaining peace and good neighbourhood: he doubted much, however, if a permanent peace would be obtained, so long as the peace-maker had any thing to give away, or those who were only to be reconciled in this manner had any thing to ask. But allowing this advice to have been sound and wholesome, and to be upheld by facts, confirmed by experience within the diocese over which the learned prelate presided, it might not be the exact case in other dioceses; nay, not even within his own, unless he could undertake to say, that he gave the advice generally to all the clergy under his charge, and that it was universally followed and approved of by the clergy, as well as their respective parishioners: otherwise, unless the learned prelate meant to lay it down in the broad manner he had described, his advice, or the opinion on which his advice was founded, meant no more than an individual opinion of what was proper to be adopted, but what might not be adopted; on the contrary, it might be possible, that great numbers of the clergy within his diocese had cultivated peace and good neighbourhood within their respective parishes, though they still continued to take their tythes in kind, in preference to commutations in land or money.

He dwelt much on the absurdity of supposing that peace and good neighbourhood, reverence and respect, could be obtained in no other manner but by a surrender of a man's property, as if men were only to be bribed into a discharge of their religious and moral duties, by means so extraordinary and unprecedented in every other walk of life. He did not doubt but their lordships would agree to the recommitment. The question was, not whether their lordships should re-commit, in order to restore the tythes to the patron or incumbent, but whether the House approving of that principle, would pass a Bill totally faulty in every other respect; and it was on this ground alone, that he trusted their lordships would send back the Bill to a committee.

Lord *Dudley* rose to vindicate the committee up stairs, whose conduct seemed to be censured, as having acted precipitately. He had been a witness to the great care taken in respect of private bills, which he assured their lordships, as a member of that committee, was not at all relaxed; consequently there was not the least colour for any imputation of neglect, hurry, or inattention. Had the learned lord thought fit to suggest any objection in the committee, he had no doubt whatever he might have offered, would have been received with all due attention; but as his lordship had neglected what was much more proper to be urged in the committee than on the report, he confessed he had heard as yet nothing to induce him to change his opinion.

The Earl of *Sandwich* said he could never approve, as long as he had the honour of a seat in that House, of motions which might, in their aspect and tendency, embroil and destroy the peace and quiet of the country. A very considerable part of the landed property of the kingdom was held under acts of enclosure. A great part of his own estate was of that tenure. It had been an open country, and was in a rapid state of cultivation and improvement. There were a great many instances which came within his own knowledge, of the evils which arose from the clergy being obliged to take tythes, and he was persuaded, that they would never be so effectually removed as by a general commutation by land or money. He would ever support the just rights of the clergy; for in supporting them, he should maintain the cause of religion and virtue. Their rights and property were as sacred and inalienable as any one of their lordships. They were derived from the constitution, they must be maintained or fall with it, and he was ready to risk his fortune and his life in their support.—Among numerous instances of the hardships the clergy daily suffered, he would

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mention a singular one which came within his own knowledge. It was in the parish of Turringdon, in the Isle of Ely: this parish was insulated, and surrounded by high ditches and deep dykes. The living, if the tythe was fairly collected or commuted for money or land, would, he believed, produce 2,000*l.* per ann. yet, out of this property, he was persuaded, that the rector procured from it but a mere pittance. He made one attempt to do himself justice, but it miscarried. He intended to take his tythes in kind, but the farmers constructed bridges across the dykes, in order to remove their crops, leaving the tythe for the clergyman; which, when they effected, they demolished the temporary bridges, and then left the clergyman to get his property out as well as he could. It was with no small degree of embarrassment he ventured to differ from the learned lord on the woolsack; nor should he have risen, had he not been invited, as it were, to give an opinion on the subject, by the manner the learned lord had treated it. The learned lord, from his habits of life, had not an opportunity of being acquainted with several circumstances necessary for a clear and perfect understanding of the receiving tythes in kind, and commuting for them in land or money; and he thought it incumbent to make this observation, the rather because, he was sure, if the learned lord was in possession of those circumstances and facts so necessary to form a judgment of what was fit to be done, the learned lord's feelings would have led him to give his warmest support to the Bill.—The learned lord, in his zeal for what he conceived to be the rights of the clergy, treated the supposed differences arising between the incumbent and his parishioners as so many weak and childish apprehensions. He would not enter into a discussion how far those bickerings and disputes were always well founded; but this he was free to say, that many persons, and some of them able, well-informed, and instructed by the most unerring authority, that of experience and ocular demonstration, would be apt to consider arguments founded in alarm and apprehension for the rights of the church, full as weak and unfounded, if not more weak and childish, than any which had been suggested to show the sound policy of adopting every measure, consistent with the rights of the respective parties, which might promise to remove all causes of discontent and parish-controversy.—He had mentioned one instance of a case which came within his own knowledge, in which it would be the happiest circumstance imaginable, if the incumbent had had his share carved out for him in land; and he was sure, that were he to consult his memory, he could quote many similar proofs. In his neighbourhood, which had been an open country, but was now happily enclosed, (he would say happily for all the parties) instead of the parsons and farmers being perpetually quarrelling and going to law, all was harmony and good neighbourhood. The revenues of the church, in point of actual receipt, were considerably increased, the landed property was much augmented in its annual value, and the farmers grew rich. He had himself, he was free to confess, profited considerably as a land-owner, and was anxious to extend those benefits to other parts of the kingdom, though he had no prospect of being a partaker; nor could he help repeating, that he saw no inducement there could be to obstruct enclosure bills, unless it were from a wish to breed discontent, and create animosity between those who, from every motive of common interest and natural connexion, were bound to each other by the strongest ties. On the whole, being a real friend to the principle of enclosing, and seeing nothing in the present Bill which took it out of that general rule or principle, he would vote for receiving the report immediately, and of course give his negative to the learned prelate's motion for recommitting the Bill.

The Bishop of *Llandaff* (Dr. Shute Barrington) said he had been but a few days in town, and had never seen the Bill till he came into the House. The light, however, thrown upon it by the learned lord on the woolsack, the uncommon ability with which he had gone through each clause, the various unanswerable objections he had urged with a force of argument peculiar to himself, had left no doubt in his mind what opinion he should give. With regard to the incidental matter which had been blended with the proper consideration of the day, he should be ready to meet it in its full extent, whenever a time should be fixed for its discussion. It was a question which involved in it a variety of the most important points which could possibly affect the whole of a most useful and respectable body of men, the parochial clergy; and which therefore should not be decided but upon the most

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nature reflection. He would, however, so far enter into the proposition opened by the right reverend prelate who spoke first, as to declare his concurrence in the general doctrine laid down by his lordship. He meant not to tread over again the same ground, he should only press an argument which the right reverend prelate had left untouched, and which continued to strike his mind, after nine years view of it, with its original force. One consequence, he said, of commuting tythe for land, was subjecting the clergy to all the burthens of landed property. Some of those burthens had not yet been felt; they would ultimately, he feared, be destructive; but he begged their lordships to consider what must be the situation of a clergyman, whose all depended upon the land allotted by the inclosure? The immediate advantages derived from an increase of income, were more than compensated by the heaviest future inconveniencies, which, as they were remote, were unfortunately neither foreseen nor attended to. Taken on either supposition of the incumbent's occupying the land himself, or letting it to a tenant, the event must, in process of time, prove equally fatal to the church. Ill cultivated, impoverished, and exhausted ground, desolated fences, dilapidated barns, an insolvent landlord, and an undone tenant, must leave the successor without relief, and without remedy, to bemoan, in fruitless wishes, the ill-judged exchange. With respect to the present constitutional provision of tythes, he was free to acknowledge, that it was attended with occasional difficulties, though those difficulties had, in his opinion, been considerably overrated, both as to their magnitude and frequency. The clamour raised from the few incumbents who received their tythe in kind, was studiously propagated, while the silent meritorious moderation of the many who benefited their parishioners by an inadequate composition, remained either unknown, or studiously suppressed. The question had hitherto been argued only on the idea that there was no third mode. Should, however, the legislature determine, contrary both to his sentiments and his wishes, to annihilate tythe in future bills of enclosure, he would just hint then, as a matter deserving their lordships' future consideration, the substituting a corn rent on the principle of the well known act of queen Elizabeth, which regulates the payment of reserved rents in collegiate leases.—There were two assertions, he said, which had been rather unguardedly advanced by the noble earl who spoke last, which, but for the liberal professions of regard to the clergy, and zeal for their interests, he should have suspected to have proceeded from an enemy, rather than a friend, which he could not permit to pass unnoticed. The noble earl had asserted, that the parochial clergy of this country were amply provided for. The only answer he should make, was stating a single fact, from which he should leave their lordships to draw their own inference. The livings which did not exceed 50*l.* a year would not receive their complete augmentation in less than three centuries. The second assertion of the noble earl contained a charge of a heavy nature indeed, no less than that of a premeditated design to encroach on the rights of the laity. From whence did the noble earl collect his evidence of this design? Did the learned lord on the woolsack frame, or was he only a subordinate agent in this hardy project? How came the right reverend prelate, who espoused the same side of the question with the noble earl, to have opposed this beneficial plan? The learned prelate concluded with observing, that the clergy of this kingdom felt and acknowledged the blessings of an establishment fixed and ascertained by law. Incorporated with the laity, connected in one common interest, citizens of the state holding their property by the same laws, they must be mad indeed could they for an instant forget the obligations they owed to a lay legislature, or entertain a thought of engaging in a combat which must terminate in their inevitable ruin.

The Bishop of *Peterborough* said, he always paid a proper deference to what fell from the learned lord on the woolsack, but he hoped his lordship would excuse him from taking any thing as proved, merely on the authority of a name; regardless with whom he might have the misfortune to differ, he was much more anxious to act right, agreeably to his own judgment, than run the risk of acting wrong in direct contradiction to it. The reverend prelate, who had opened the debate, had opposed the present Bill principally on account of the allotment carved out by it for the rector in lieu of tythes. To that point he chiefly spoke when he first rose, and he must declare, that he heard nothing from the learned lord sufficient to induce him to change his mind,

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or become a convert to the learned lord's opinions: consequently, he would give his negative to the motion for sending the Bill a second time to a committee.

Viscount *Stormont* said, he had been so perfectly convinced by the arguments urged by the learned lord on the woolsack, that he felt himself bound to vote for the recommitment. He did not at the same time commit himself so far as to oppose the principle of allotments in land, and commutations indiscriminately, and in all given circumstances and situations; nor on the other hand, to prefer tythes in the same manner. He believed either principle rigidly adhered to would be productive of great inconvenience, if not oppression and injustice; but in the case before him, putting the principle out of the question, the learned lord had, in his apprehension, stated so many solid objections to the enacting clauses of the Bill, that, be its fate what it might hereafter, he thought it improper to pass it in its present form.

The Duke of *Richmond*, however disagreeable it might be to him to differ with the learned lord upon a subject of this kind, must say, in every point of view he considered it, he highly approved of the Bill. He confirmed the inexpediency of taking tythes in kind, and the numerous law suits, disagreements, and bad blood, it occasioned between the incumbent and his parishioners. In those parishes where tythes were taken in kind, it bred perpetual animosity and dispute; and even as to the point of emolument, he believed upon an average, the clergyman would be much better off by making a reasonable composition, by which his parishioners would even be considerable gainers, than by collecting his tythes in kind. If the question was merely this, Shall the tythe be taken in kind, and shall it amount to a fair tenth of what the produce would be, if there was a compensation in land or money? —In that case, no composition, however favourable to the clergyman, would be an equivalent. But when the means those who were to pay the tythe in kind took to make the parson's part of as little value to him as possible, the number of hands, carts, &c. necessary to the collecting the tenths, the uncertainty of the weather, but above all, the discouragement it gave to cultivation, and the methods resorted to by the farmers, to forbear that species of husbandry which was best calculated to produce the most valuable tythe crop; he sincerely believed, that the incumbent did not receive in kind, after all deductions, any thing like what the same land would produce if it had been tythe free.—So far as to the principle of the Bill; which, as well as he was able to judge, seemed to be totally out of the question. The learned lord had indeed confessed as much, for he complained that the principle had been dragged into the debate, merely to puzzle and mislead those, who, approving of the enclosing the lands in question, might nevertheless wish to have the clauses amended. Here it was plain the learned lord had forgot himself, and even overlooked the grounds on which the motion was maintained by the learned prelate who made it; that was, that enclosures in general were injurious to the clergy, that they were injurious in other instances, and that the circumstances under which they could prove serviceable, were so very few, although they might be productive of great evil, that no solid advantage could result from them. The learned lord held nearly the same language, and by treating the accounts of parish disputes between the flock and pastor, as mere fanciful notions, which had no real existence; or if they had, ought not to be weighed against the policy and justice of taking tythe in kind, combated as far as lay in his power the principle of commutation either in land or money. Yet when the learned lord has fully debated the principle of the Bill, what does he next do? He tells your lordships, that the principle is totally beside the question, that all you have to do is to examine the clauses. He then proceeds, and points out the numerous defects, absurdities, incongruities, and great injustice, those clauses are fraught with. To this he had only to answer, that the learned lord has urged his objections too late; for, as the principle should have been debated before the Bill was sent to a committee, so the clauses should have been discussed in the committee.—He had another objection to part of the noble lord's speech, which contained a kind of history of the slovenly manner private Bills were wont to be conducted through another House. It was, in his opinion, very improper to make use of a general argument against a private Bill, unless it particularly applied. It was no less improper to state instances of neglect, which did not relate to that House, upon a Bill then under consideration in that House; and no less so to infer, that every Bill was smuggled through the House, to

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the injury if not ruin of individuals, because one or two instances had come to his hearing by personal communications made to him by the parties themselves. After several other arguments, he gave it as his clear opinion, that the principle as well as enacting clauses of the Bill, having received the sanction of the House in its respective stages, he saw no ground for the motion.

Earl *Temple* said, as far as his experience had enabled him to form a judgment, he was not at liberty to vote for the recommitment. In answer to some of the general objections stated against the mode of conducting enclosure Bills in the other House, he must confess, as long as he sat in that House, nothing of the kind stated by the learned lord ever reached his knowledge. It had been well observed by a noble duke, that the proper place to modify clauses, or to maintain objections against them, was in the committee. It certainly was, but supposing for argument sake, that the Bill had been hurried through there, and the clauses not properly examined, he could not see with what degree of propriety the reverend prelate who opened the debate, or the learned lord who supported him, could mix an argument on the principle of the Bill, with the objections to the clauses, or apply general abuses, which were presumed to exist in the mode of conducting private Bills through both Houses, to a particular Bill to which no such objection lay. The learned lord's particular arguments, however ably and plausibly urged, being all founded upon the double mistake, that the principle of the Bill was now before the House, and that a presumed general abuse was a reason against a Bill, when no such abuse was proved to exist, he should hold himself excused from making any additional observations, were it not, that having stated the charge, he looked upon himself bound to state likewise the grounds of it. The learned lord says, that a seventh or eighth part, which is allotted to the rector, is not an equitable composition, in lieu of the tythes to which he is at present entitled. What was this but directly controverting the principle of the Bill, for if for thirty years past it has been an established rule followed in the framing of enclosure Bills, to carve out such a share as a fair and equitable equivalent in lieu of tythes, must follow clearly, that it was not the clauses merely, but the principle of allotment that the learned lord had been combating. The same argument held good with respect to the other clauses.—He declared that it would be extremely improper to recommit the present Bill, though the mode of apportioning out the rights of the parties concerned, had been as faulty as the learned lord had described; first, because the objections had not been urged in time, but more particularly, because the parties concerned in the Ilmington enclosure came exactly on the same footing, and with an equal claim as those who had applied to the legislature for the last 30 years; if for no other reason but that alone, he should be for passing the Bill in its present form; because the rejecting of it would not only be a disappointment to those who wished to have it enacted into a law, but they would be put to a considerable expence, under the faith of parliament, and precluded the advantages they expected to derive from it by an *ex post facto* regulation. If such allotments or compensations were found to be inadequate, if the church should thereby, if they were to continue, be despoiled of its patrimony, if incumbents were to be ruined through their inability to cultivate, or by the lands being over valued or thrown upon their hands; if peace and harmony were not to be promoted, nor the doctrines or person of the clergyman rendered more respectable and amiable; these were all considerations truly deserving their lordships' most anxious attention and inquiry. No person who heard him was readier to cooperate than he was in searching for truth, and probing it to the bottom; but until their lordships were convinced of the necessity of going into such an investigation, and of the probable benefits which would result from it; till their lordships so persuaded shall have finally come to a determination, to put a stop to such commutations and equivalents; he trusted, that it would be very difficult to produce one sound reason to take the present Bill out of the general rule, unless it could be proved that the provisions of it materially differed from Bills of the same nature.—He did not rely merely upon speculation for the arguments he had presumed to trouble their lordships with; he had formed his judgment from experience gained out of parliament as well as in it; he meant in the country and in his own neighbourhood, where there had been vast tracts of land, common fields, wastes, commonable lands, &c. inclosed; and he could affirm, upon his honour, that dur-

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ing the seven years he acted as magistrate within the county in which he resided, and he was enabled to say, that his attendance at the quarter sessions was pretty constant and uniform, his memory did not enable him to recollect that in the whole course of his attendance a single appeal had been brought before the quarter sessions, complaining of any partiality or injustice in setting out or allotting the several portions by the commissioners nominated by the several acts; which proved so far as this circumstance could be supposed to apply, that the powers vested in the commissioners had been such as were approved of by the parties concerned, and that those powers had been faithfully carried into execution. Such being his general ideas, as well on the general principle of commuting tythes for compensations or compositions in land or money, as the particular provisions of the Bill now before their lordships, he found himself under the necessity of giving a hearty negative to the motion.

The *Lord Chancellor* declared his mind was by no means satisfied. He had not the arrogance to set up his opinion as infallible, or to suppose that other men viewing the same object with equal attention might not differ from him; but he begged to know what part of his reasoning it was, and what particular offensiveness in the mode of his delivery, that had called for so harsh a censure as that cast upon him by a noble earl, that those who argued for the recommitment of the present Bill had no other motive than a wish to disturb the peace and quiet of the country. He begged with all possible humility, to be instructed wherein he had hinted at any thing which gave a colour of suspicion that he was impelled by a motive of so flagrant, so wicked, and so scandalous a nature. If no part of his argument warranted such an imputation, he must intreat the favour of those, whose great oratorical powers carried them beyond all reason, to endeavour to resist the impulse of their brilliant and distinguished talents, and not suffer the *torrens copia dicendi* to hurry them out of all sight of justice, nor to shew themselves so madly in love with eloquence, as in their eager display of it, loosely and unguardedly to throw out a stigma of the severest nature against others, who though not perhaps equally gifted with themselves, were actuated by as pure motives, and as earnest a wish to discharge their duty honestly and faithfully. He then proceeded to controvert several parts of lord Sandwich's arguments, and said the noble earl had dressed up the facts he had stated in such meretricious colours of eloquence, that unless they were stripped of the flowers and tropes of oratory, in which they were decked out to captivate and allure, it was impossible to see in what manner they applied to the matter in question. He then reprehended the noble earl for having said that the facts alluded to by the bishop of St. David's, if unproved, were no better than a calumny, and said it was an extraordinary term for one noble lord to apply to the arguments of another. The noble earl had boasted of the advantages he had derived from inclosures; if he had presumed to suggest, that the noble earl had exerted all his influence to get those Bills passed, without having attended to the interests of the tenants, with that generosity and that nobleness of mind, which were the distinguishing features of the noble earl's character, he should have been guilty of something much nearer calumny, than any thing that had fallen from the reverend prelate who began the debate. After this he animadverted on the arguments of the other lords who had opposed the motion, and re-asserted his own objections, declaring that several of them remained not only unanswered, but unnoticed.

The Earl of *Radnor* spoke in favour of the Bill. He said at the same time, he had not come to any pre-judgment on the principle, in the very large and extensive manner in which it had been argued; he was not therefore prepared to enter into that part of the question. The only point which seemed to him to be before the House was this; did the Bill differ materially from the enclosure Bills, which were passed every session? If it did not, he saw no good ground in sending it again to a committee.

The Earl of *Suffolk* was of opinion, that the present Bill came before their lordships under the faith of parliament, and so far as the Bill was supported by precedent and justice, it was intitled to their lordships' countenance and support, but no farther. The noble lord on the woolsack had, in his opinion, stated several strong objections, such, as if well founded, would prove the Bill to be not warranted, either in precedent or justice; in that point of view he must confess he was for sending it again to a committee.

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The Bishop of *Chester* (Dr. Porteus) rose to express his satisfaction that the question had assumed a very different shape from that in which it seemed to enter the House. He observed, that he had been given to understand, that the great general question concerning the expediency of commuting tythe for land, in the case of enclosures, would be that day debated, and, perhaps, decided; and the manner in which the debate was opened had confirmed him in this idea. Under these impressions he had, he confessed, no small degree of anxiety upon his mind, as a matter of such extent and importance, could not be properly discussed on so short a notice. But he was extremely glad to find that his apprehensions were ill-founded; and that the abstract question of commutation was only an incidental part of the debate, the decision of which would not at all depend on the fate of the Bill then before the House. The learned lord on the woolsack had thrown such light on the subject, and made so clear a distinction between the two questions, as had given great ease as well as information to his mind, and had left him under no doubt what part he should take. The objections stated by the learned lord to the Bill, were, in his apprehension, so strong and unanswerable, that they would entirely decide his vote that night for the recommitment of the Bill. But he begged to be understood as acting thus, solely on the grounds of those particular objections to the clauses of the Bill, and not with an intention to give any decided opinion against the commutation of tythe for land in the case of enclosures. This was a point of so complicated a nature, that he had not yet been able to form any positive judgment upon it. As far as he could see his way, he was rather inclined to think, that there might be cases in which the exchange of tythe for land might be a desirable thing for the incumbent. In the case of enclosing common and waste land, it seemed to be allowed, that circumstances might exist, which would render it necessary to exonerate the enclosure from tythe, by some substitution or other. And he thought also, that there were other cases where it might be equally proper. In *livings*, for instance, which consisted almost entirely of common-field lands; if these happened to be enclosed, and no land was given the incumbent in exchange for his tythes, he might be a very great sufferer, and his benefice might be reduced perhaps one half: for whilst the lands were open they could not be converted into grass, and must necessarily continue always in tillage. But when they were inclosed, they might be, and frequently were, converted into meadow or pasture, the tythes of which were much less valuable than those of grain. Here therefore he thought an allotment of land should be allowed instead of tythe. He thought there were many enquiries to be made, and a variety of facts to be ascertained, before the general abstract question of commuting tythe for land could be properly determined. He was therefore glad to hear that the consideration of this great point was to be put off to a distant day.

Earl *Bathurst* said, he would vote for the motion, because it did not affect the principle of commutation; but he begged at the same time to add, that he preferred an equivalent in land, money, or corn, according to the peculiar circumstances, to tythes in kind. He had sat 18 years in the other House, and 8 years on the woolsack, during which time many cases had come before him in another place and at the bar of that House, which fully convinced him, that inclosures and commutations in land were equally calculated for the benefit of the patron, the clergyman, and the parishioners. How far it might be proper to modify the principle, he would not pretend to say, but unequal as he might be to the task, if no other noble lord should think fit to take it up, he meant to submit some propositions to their lordships on the subject at an early day.

The House divided: Contents for the re-commitment, 23; Not-contents, 31. The Bill was then read a third time, and passed.

April 2. Earl *Bathurst* rose and observed, that a question had started up in the course of the debate on the Ilmington Enclosure Bill, on Friday, of very great and singular importance; a question which, in a greater or less degree, affected every foot of land within this part of the united kingdom: the matter he alluded to was, the debate upon the general principle respecting the policy and expediency of making commutations in land, &c. for tythes in kind. Much had been urged for and against the principle, though properly speaking, the question was not before the

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House; yet, several noble lords having gone so far into the discussion, and entertained sentiments so diametrically opposite, he thought it would be very proper to bring it before the House unmixed with any extraneous matter. He should therefore move, that their lordships be summoned for the 6th, for the purpose of appointing a day to take his intended propositions into consideration.

April 6. Earl *Bathurst*, (Lord President of the Council) rose and said, he should not have presumed to have troubled the House to be summoned for that day, were he not desirous of calling their attention to a subject of great importance. In the debate which had taken place on the preceding Friday, a right reverend prelate, whose candour could only be equalled by his abilities, stated a question that merited the serious consideration of the House, viz. Whether the authorising of commutation of land for tythes in an enclosure Bill, was or was not a measure beneficial to the clergy, and whether it would be consistent with justice and sound policy to continue this system of commutation or an equivalent in land in lieu of tythes, which was but of modern invention, and had been only introduced since enclosure Bills had become so very frequent? This question their lordships in general, he doubted not, would perceive to be one of great magnitude. Another right reverend prelate who spoke second in the debate had declared himself of a contrary opinion, and had contended that tythes in kind might be well commuted for land or money, agreeably to existing circumstances, and opposed reasonings of considerable force to the arguments of his learned brother; surely, then, their lordships would agree with him, that the question, if upon no other account, deserved their utmost attention. The mode, that with the leave of the House he would pursue, should be to move for a committee of the whole House on Wednesday next, if agreeable to their lordships, to take the subject into consideration.

In that committee he meant to offer a set of propositions in the form of resolutions, the tendency of which he would open to the House. The first resolution was in purport, "that enclosures of commons, waste lands, forests, and open fields, are highly beneficial to the kingdom." His lordship went into a history of enclosing commons, waste lands, &c. shewing, that in the reign of Henry 8, and of Elizabeth, there was a prevailing idea that they were detrimental, and a variety of statutes were made to forbid them. In the reign of James 2, however, men began to change their opinions, and the question assumed a new face. Since that period, the advantage of enclosing commons, waste lands, and open fields, had become gradually more and more obvious, and so fully had prevailed with the legislature, that within the last thirty or forty years, nearly 900 enclosure Bills had received the royal assent. He had particularly inserted the word 'forest' in his proposition, because he was convinced that great good would accrue if more of the forests of England were cleared and enclosed; and in this part of his speech he paid some handsome compliments to a noble marquis (of Rockingham) for the pains he had taken in getting two different Bills passed for the enclosing forests: concluding, that enclosure Bills in general manifestly tended to the benefit of agriculture, tillage, and husbandry; to the employment of the industrious; to the decrease of the poor's rates; and to the general wealth of the kingdom. This he begged leave to assure their lordships was not an assertion founded in theory or speculation, but was supported by so general a stream of evidence that he could venture to appeal to every noble lord who heard him, whether they had not in their respective neighbourhoods been eye-witnesses of the great benefits derived from enclosure Bills.

He next proceeded to state his second resolution, the substance of which was, "that commuting of tythes in certain cases of enclosure, where it can be done with justice, for an adequate compensation of corn or land, is a measure equally beneficial to the clergy and the landholder, and ought to be encouraged by the legislature." This proposition, he said, was meant to have a retrospective as well as a prospective view; for, as so much property had been already assessed under this species of tenure, it would operate in a two-fold manner: it would tend to quiet the minds of those who already held possessions under the faith of parliament, no matter whether clergy or laity, and encourage the proprietors of lands not divided, to apply to parliament in time to come. He quoted a part of Speed's Chronicle, in which a conversation is related, and declared to have passed between William the Con-

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queror and a certain rich abbot: William, tracing the usage up to the most remote times, and maintaining it upon several historical proofs particularly stated. Among others, William put it as a question to the abbot, how it happened that he conquered the *whole* kingdom by a single battle, when the Danes had fought so many, and were not able to effect a conquest? the abbot replied, that when William landed, the kingdom was in a very different condition from that in which it stood when the Danes invaded it, and made their efforts to subdue it, the churches having swallowed up so much of the possessions and wealth of the kingdom, that it was the interest of the subject to prefer a religious life; this operated as so strong an inducement, that great numbers went into the monasteries, priories, and other ecclesiastical institutions, and sought the preferments to which the religious were alone eligible, that there were not martial men enough remaining to make up an army sufficiently powerful to repel an invader or guard the kingdom. William, as Speed states, profited by this answer, and in order to enable himself to collect forces enough to avert the danger of invasion, and preserve the coasts from all attacks of a foreign foe, as well as to maintain peace and good government internally, proceeded to strip the religious, and particularly the abbot he had questioned, of a considerable part of their possessions, and to abolish and curtail such of the religious institutions as were least useful. His lordship next proceeded to shew that till the Reformation the clergy taxed themselves, and the means by which that mode was altered, he believed, few of their lordships were particularly acquainted with. The change was effected, not by an act of parliament, a resolution of either House, nor even by any royal proclamation, but solely owed its origin to a written agreement, the record of which he had seen; it was signed by no other persons but the Lord Chancellor and the archbishop of Canterbury, early after the Restoration, who were, in fact, the only contracting parties to the agreement by which the parliament, the clergy, and the nation had bound themselves by a tacit consent. The tenor of the agreement was, that the clergy should give up the right of taxing themselves, provided they were allowed to vote for members of parliament, and by that means have a share in electing the representatives of the people, who were entrusted with the power of taxing the kingdom at large. Under the authority of this agreement, the clergy had for so many years paid taxes equally with every other description of his Majesty's subjects.

His lordship's third proposition was in substance, "that it might be expedient to give a compensation in land, money, or corn, where tythes were already usually taken in kind, or where no composition existed." This would only operate in cases where the parties interested were equally well inclined to come to such agreement, and would of course be entirely optional, and calculated merely to pave the way, to procure a good understanding between the pastor and his flock, which he trusted would promote the mutual interest of both, and a friendly correspondence between them.

His last proposition would be introductory to a Bill. It had been objected by the reverend prelate who made the motion on Friday, to commutations in land, that the clergyman, thus transformed into a land-owner, would be subjected to many inconveniences, if not to great losses, that those who already had accepted of commutations in land were seduced in the first instance by the lord of the manor, or some considerable land-holder, by an immediate advantage, to agree to accept of an increased revenue; that in some instances the rent agreed for was badly paid; in others, that those agreements originated in collusion, the clergyman in possession, being secured an increase of his annual income during his life or incumbency, in prejudice to his successor, who, coming to stand in his shoes, would find himself necessarily obliged to make a choice of some one or other of the following inconveniences. He would, if that were the case, be obliged to agree to the rent accepted by his predecessor, or if the bargain was a collusive one, he would be obliged to take whatever rent might be offered, perhaps not more than two thirds or one half of what had been agreed to be given for the rector or vicar's part, before the Inclosure Bill was passed into a law: or lastly, he would be necessitated to take it into his own hands, without any ability to cultivate or draw from it any benefit whatever. The fences might be levelled or broken down; the barns or other erections gone to ruin; and instances might happen, similar to one which had come to his knowledge, where the clergyman had been presented and inducted, but sooner than accept of what would have proved to him

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rather a disadvantage than profit, the living and the duties annexed to the actual possession of it had been abandoned; in consequence of which, the portion of land set out for the clergyman had lain neglected and disowned, and divine service had been discontinued within the particular parish alluded to. The reverend prelate had not confined himself to a particular instance on Friday, but had argued the point as applying to the probable grievance resulting from leases for the term of 21 years, which had been authorised in all enclosing bills passed of late years, by a special clause, in which delapidations, pretended compositions, insolvent tenants, &c. would be among the leading evils whereby the successor would be left without relief and without remedy. These certainly were considerations worthy the serious attention of their lordships, and he could not but confess himself much indebted to the reverend prelate for suggesting them. In order, however, to guard, as much as the nature of the case would permit, against these evils, he proposed to prepare a Bill that would operate as a preventive; but as the matter required great nicety and great caution, his idea was to bring in such a Bill as he had mentioned, and proceed with it so far as to have it printed, and then let it remain on the table till the next session, that every one of their lordships might have full time to digest his thoughts upon it; to place it in every point of view; and to be able, when the subject should be resumed, to speak his opinion upon it decidedly. With regard to the resolutions which he had stated, his intention was, if the House, when in a committee, and when the topics the resolutions turned on, respectively, had been properly weighed and discussed, should agree with him, that the resolutions were founded on facts, and were wise, politic, and expedient, to move that those resolutions be voted; but he should not think of bringing in the report to the House till after the holidays, that their lordships might have time to prepare for their reconsideration.

He would just say a word or two in answer to an objection that had been taken to the mode of commuting tythes for land, by the right reverend prelate to whom he had so often alluded. The reverend prelate stated, that the practice of commuting tythes for land tended to bring land into mortmain, and as land in mortmain was much more inconvenient in a commercial country than tythes in mortmain, the reverend prelate observed, that the practice having obviously such a tendency, was one reason among many why our ancestors thought tythes the properest maintenance for ecclesiastical persons. Men, it was his duty to observe, were very apt to catch at particular words and phrases that had been used to create a strong impression, and had at one time or other been popular from their signifying something which might or might not have been the source of great advantage to the kingdom. Mortmain was a phrase of this description, the true import of which he would explain to the House: his lordship then gave an account of its etymology, and shewed the nature of its application. The term he declared was first used, as applicable to those lands which were so held, as to bear out the sense of the phrase of their being in main-mort (in a dead hand) because the holders of them were not obliged to send out knights to join in the military service of the kingdom: and at that time of day, lands in general were held by no other tenure than those of suit and service. But would any man say, that lands were held by the same tenure now? Certainly they were not; and therefore the whole of the argument about mortmain fell to the ground: and the reason was this, as lands held in mortmain were free from every species of feudal service, while that service continued, when a tax upon land was instituted in its stead, and the clergy by their representatives in parliament began to tax themselves, the objections against that species of tenure from that moment ceased to exist, with the cause which gave it birth.

His lordship adverted to what had fallen from another reverend prelate (the bishop of Landaff) who spoke on a former occasion, relative to a substitution of corn-rent in lieu of tythes, should the House determine to annihilate them in future Bills of enclosure: and said, that consideration and an infinity of others would naturally suggest themselves, and would become the proper topics of discussion, when the House were in a committee as he had proposed. He also begged their lordships to take notice, that he had not drawn up his second resolution in such terms as to make it extend to an universal abolition of tythes upon enclosures, but merely in certain cases, where a compensation could with justice be made to the minister; and he particularly wished, that

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the House would not once entertain a thought, that his ideas were founded on the most distant intention to abridge the parochial clergy of their natural rights; on the contrary, he flattered himself that both clergy and laity would be materially benefited should the propositions he had suggested be adopted, for nothing could be more contrary to his wishes than to prejudice the church and the ministers of it; and he thought it once more necessary to make himself understood on the subject, which was not pointed exclusively to compensations in land, even in enclosure bills, much less in any other, but was to be varied according to local and other circumstances. The reverend prelate who first moved in this business, had stated an instance where a corn-rent had been substituted for a compensation in land, at the express desire of a most reverend prelate some time deceased, the late archbishop of York. He turned to the record, and found the fact to have been correctly stated, and the provisions of the Bill ably and accurately drawn up; but whether the compensation or equivalent was given in land or money, or in corn-rent, would be in his opinion of very little consequence, provided it was a fair and equitable one, calculated to defeat the possible or probable abuses pointed out by the reverend prelate; namely, the preventing any injustice being done to the incumbents for the time being; the defeating or diminishing the estate his successor would be otherwise entitled to; or the stripping the church of her just rights and constitutional patrimony.

He begged leave to add a single observation before he sat down, which was, his motion for leave to bring in a Bill had this object and this only, that of the framing the skeleton of a Bill after the holidays, which he meant should go no farther for the present session; but, by being printed, their lordships would have the whole recess to examine the principle, and fully revolve the subject in their minds; so that early in the next winter they would be fully enabled to give a decided opinion upon its policy or inexpediency. He concluded with moving his first proposition.

The Bishop of *Landaff*, after paying several handsome compliments to the abilities and candour of the noble earl who spoke last, and testifying the full conviction which imprinted itself on his mind, of the purity of his lordship's motives, proceeded to describe the vast magnitude of the question when combined with its various relations, and probable if not certain consequences; and farther observing, that the propositions hung out by the noble earl would, in his opinion, lead to matters no less novel than dangerous, that of modelling the whole system of tythe-laws, as they had now remained for ages; an intended innovation, in his apprehension, of the most alarming nature; a proposition which would not merely operate upon a particular subject or species of property, but which would extend itself to the whole tytheable property of the kingdom.—The noble earl's first proposition was, he apprehended, founded in error. The noble earl laid it down as a kind of truism, or proposition, "that it would be of general benefit and utility to enclose forests, wastes, common and commonable lands," &c. He thought it his duty to deny the universality of that proposition, and at the same time to add his reasons. He had endeavoured to inform himself upon the subject, and had learned, that the principle of enclosing all lands, within the description stated, admitted of many particular if not general exceptions. In corn grounds it had been proved, independent of the great waste of land and expence of enclosing, that enclosures were unfavourable to agriculture, and to the cultivation or produce of corn. The crops were subject to blights and mildews, from the shade of the neighbouring trees and hedges, which obstructed the passage of the air, while it excluded the sun, and of course threw a shade which was extremely unfavourable to the ripening of the corn. Trees, hedges, and shrubs, were besides apt to generate vermin, and many other evils of a similar nature, which proved extremely destructive; whereas in open fields, the corn was free from those evils, and the farmer or grower always found it to be of a better and superior quality, and increased in quantity as well as in goodness. If this should prove to be the case, as he made no doubt it would, upon a full and mature enquiry, when called upon to vote an abstract question, directly contrary to what he believed to be true, he thought it best to communicate his sentiments thus early, rather than by giving his assent in this stage of the business, seem to approve of that which he previously meant to oppose.—He dwelt particularly upon the danger of shaking ancient foundations, and re-

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moving ancient land-marks, which had stood the test of ages, and which he believed could not be changed to any real benefit, but might in the end lead to injustice, or to the utter subversion of the ecclesiastical establishment of the kingdom, and of course, as forming a part, and a very considerable part, deeply affect and endanger the constitution itself. Besides the general argument, he appealed to every noble lord who heard him, who had paid the least attention to agriculture or to the improvement of lands, whether there was any one mode of cultivation respecting arable or grass lands which could be applied with success to every kind of soil, to every species of property, or every modification of right. He was persuaded himself of the contrary; they differed intrinsically and extrinsically. In some instances local prejudices would prevail, custom would govern in others, and temper and disposition in many more. What would be of infinite benefit in one place would prove mischievous in another; and what would be accepted of with infinite satisfaction by the inhabitants in one parish would perhaps be execrated in a neighbouring one, and cause those animosities and incurable disagreements between the pastor and his flock which it was the profest intention of the present resolutions to remove; and consequently instead of promoting peace and union between the clergyman and his congregation, they would, if agreed to, create endless contests, litigations, and disputes. He was perfectly convinced of the noble earl's commendable zeal, and if he was as certain of the practicability of carrying his general plan, of an equitable and fair compensation, into execution, as he was of the motives which gave birth to it, he should be much readier to become a convert to his lordship's arguments; but he had very strong reasons to doubt, that acts would be resorted to which would entirely defeat his good intentions, and there was an instance stated by his right reverend friend, who moved for the committee on Friday, which he must consider as true in all its parts, because he had not heard it controverted or disputed, he meant that of the portion carved out by the incumbent, being abandoned by his successor, and divine service in consequence thereof discontinued. He was fearful of experiments, and that art, chicane, and fraud, in the various shapes it might assume, would triumph over the best intentions, aided by the best abilities, when by a collusive agreement between the incumbent for the time being, or by the arts and management of the lord of the manor, the freeholders, and other parishioners, the eventual interest of the next incumbent might be materially injured or nearly annihilated; when at the same time, it would, in his opinion, be morally impossible to create any power of a superintending or controuling nature adequate to prevent the injustice or abuse in its origin, or remove or correct it after it had been perpetrated or permitted. After urging several other arguments against the first proposition, he animadverted upon each of the following ones, in the course of which he made many pointed animadversions, equally tending to demonstrate the positive evils which must arise upon adopting the principle of commutation in general, and the inadequacy of any mode of prevention which might be adopted, sufficient to defeat or correct the evils which must naturally result from a system which would hold out temptations too strong to be resisted, and means of gratifying them, he feared, beyond the power of legal detection.—He thought it his duty to declare once more before he sat down, that he trembled for the consequences of coming to an hasty or precipitate vote upon a matter of such singular consequence. Upon the whole, he would recommend to the noble earl to postpone the farther consideration of the business till next session; otherwise, for the reasons he had presumed to urge, he should find himself obliged to give a negative to the motion.

The *Lord Chancellor* began with observing, that as a member of that House, he stood in a very disagreeable predicament, and was much embarrassed; because, before he could with propriety enter into the consideration of the question, he found it necessary to remove some general impressions, and comment upon some circumstances which had been misapprehended or mis-stated by those who differed from him on a former day. He had been described as a person actuated by childish motives, and acting under silly and absurd prejudices; that, full of zeal for the interests of the church, he had missed his way in the plainest road; and nourished ideas so contrary, wild, idle, and absurd, that while his wish and professions were avowedly to maintain the rights of the clergy on their true basis, he was

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so blinded and rivetted to his own childish opinions, that what he wished to obtain as an advocate, he defeated by the folly and absurdity of the mode, stile, and manner, he adopted in the pursuit of it. When persons of great rank, and still greater abilities; when persons who had filled the most important offices in the state; and whose private virtues, great talents, and approved experience, adopted such a language, he confessed he felt much on the occasion; because with the load of folly that was imputed to him, and perhaps very justly, another species of accusation was implied, for which he could plead no apology; namely, an incurable obstinacy, originating in inveterate prejudices, and a froward resistance to the just and indisputable claims of so much public and private virtue! Yet, however weak and childish his conduct had appeared to those who thought it worth their while to so represent it, it formed no part of the present question. The charge, as a general one, might be well founded; but although he was ready to submit to the great authority he alluded to, it was his duty to observe how far the general censure was aptly and justly applied in the instance which gave birth to the observation.

It was said he was full of zeal for the church. He was so; but his zeal was not partial, or confined to the church, farther than it was connected with the other great national establishments, of which it formed a part, and no inconsiderable one. There were many things, perhaps, in which he would not go as great lengths as some persons might; there were others, in which perhaps he would go farther. He did not mean, however, to assume any peculiar merit to himself, merely on account of that circumstance. He did not mean to insinuate, because he differed in opinion from both parties, that therefore he was right. The middle path which he had struck out to himself, was taken from choice, not, he trusted, from any premeditated prejudices; and whether he was or was not mistaken, he could fairly say, that he had not been influenced by the opinions of others; what he thought on the subject proceeded merely from the suggestions of his own mind, assisted by that degree of attention which his other avocations and duties permitted him to give it; and what struck him as just, wise, equitable, and expedient. For instance, some of their lordships might think that a compensation in lieu of tythes ought not be given or accepted of in any given case; and others, that it would be proper to give or accept of a compensation in every given case; opinions widely opposite to each other. He was, for his part, equally averse to both extremes. He could frame in his own mind an infinite variety of cases, in which the claims of the patron, rector, or vicar, might be fairly, equitably, and beneficially for both parties, be commuted for compensations in land, money, or a corn-rent; and on the other hand, perhaps, as many in which such a commutation would be every way inexpedient, inequitable, inadequate, and unjust. Nay, he would venture a step farther than what in argument had been yet suggested on either side of the House. He could conceive peculiar circumstances in respect of property, which were so blended together, and the interest as well as soil so intermixed, as to render it perfectly justifiable and expedient, to divide and set out the common fields, &c. among the land-owners, without any reference whatever to the claims of the lay-impropriator, patron, rector, or vicar, he meant as to the mode of carrying the same into execution.

After laying before their lordships this genuine state of his mind, he trusted he should be intitled, upon an avowal so serious and solemn, that whatever his childish zeal for the church might be, it would be acknowledged, it was not merely a blind zeal, not totally destitute of method and principle, be the former however absurd or the latter however erroneous. He flattered himself that even his warmest antagonists upon cooler reflection would confess, that although a better method might be easily struck out, that his at least aimed at system and uniformity; and though a better and sounder principle might be established, yet nothing could be fairly objected to it, on the ground of prejudice or partiality; because, if for no other reason, it would sometimes tend to operate for commutations, and at others against them; sometimes in favour of what had been imputed to him as the effect of mere zeal; at other times equally inimical to that cause, which it was insinuated he had blindly embraced, as well as obstinately adhered to.

It was urged, that the propositions, hung out by the noble earl, were only objects of general discussion, and proposed to be matter of future re-consideration. For his part, however true that might ap-

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pear to the noble mover, he could not see them in the same light. It struck him that they were precipitate. Their lordships were called upon—to do what? to vote the resolutions first, and consider them afterwards. For his part, he had been so ill informed, and so silly as to continue to think he had been rightly informed, that anxious inquiry, close and serious attention, and mature deliberation, ought to precede a fixed determination whether to adopt or reject; but, in the present instance, that stale maxim was meant to be exploded, and exactly the reverse proposed to be substituted in its stead. If he might be presumed to have an interest or wish either way, he could with truth say, he had never heard a single syllable or intimation of their contents, being totally ignorant of their tendency, nay even of their existence at all, before he heard them from the noble earl; yet he was not ashamed to confess, that they were in their nature so extensive, various, and complex, that not only at the instant he was speaking, but at the period proposed to bring them forward, he neither was, nor could be ready to give a decided and satisfactory opinion on their contents.

He believed it had been a general rule, as well in matters of policy as legislation, to consider things maturely previous to their ultimate adoption; and when they were finally determined upon and digested, to lose no time in carrying them into execution. He was, however, unfortunate enough to think, that the conduct of the noble earl, in the present instance, was directly the reverse, and evidently subversive of that principle. Their lordships were called upon to decide first, and consider afterwards. They were called upon to vote a string of abstract propositions, which might apply to any case, or to no case; and when their lordships had resolved them, they were left to hunt for particular occasions of making a fit application of them. In his poor understanding, the more rational and regular mode of proceeding would be to wait till the occasion occurred, and then apply the principle to the particular case; not as it were to create the particular case, merely to exercise the principle.

He was, he must confess, an enemy to innovations in general, particularly innovations brought forward as the present were, because he presumed he had been so foolish as to consider customs and usages sanctioned by the approbation of ages, too sacred to be suddenly, he would not say wantonly changed, upon an idea of reformation, or of making things better, which it was fair to affirm were well enough. It was the maxim of a celebrated politician, whose character was sufficiently known to every noble lord who heard him, to endeavour to bring the constitution back to its first principles, and place it on its ancient foundations, in order to restore it to its primitive purity; which, from the general course of human events, and the never-failing mutability which they generate, it had imperceptibly departed from. This it was which had frequently induced him to endeavour to shew the impropriety of making experiments upon mere theory, in order to render things better which appeared at the time not to want mending; first, because experiments in respect of great national objects were in themselves dangerous: secondly, because the evil should be first pointed out, even to create a pretence for innovating. Such a conduct was in his apprehension the very reverse of the prevailing opinion among modern statesmen; their endeavours seemed to direct the other way, not to an adherence or a wish to recur to first principles, but to deviate still farther from the original constitution. No man could see to what the present proposed resolutions pointed, or where they might end. He had often expressed himself fully on the subject of innovation and experimental reformation in that House, and had as often been supported and fortified in his arguments and opinions by a very able assistant, (lord Bathurst) whose support he knew he must want that day. The payment of tythes had existed for many ages; it had been handed down to us from the earliest periods of the constitution. Tythes had been universally rendered to the clergy, as their patrimony, by all Europe. They had existed under the Saxon government, and were acknowledged by internal consent, he believed long before even they had received the sanction of the legislature. The payment of tythes stood therefore upon the most ancient and stable foundations: tythes had been established by custom from time immemorial, and had an authority as venerable as the constitution itself.

His lordship proceeded to state some of the obvious inconveniencies which might result from innovation. He observed, that in political contemplation the ecclesiastical polity had been at all times considered as

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one of the pillars of the constitution. History afforded strong and undeniable proofs, at a period not very far distant, how dangerous it was to attempt to alter or innovate. The religious establishment was attacked; and the attack proving successful, that pillar of the constitution having given way, it shook the rest, and nearly overturned the constitution itself, and that in such a manner as to render its re-establishment extremely difficult. For his part, he was averse to experiments of any kind, unless upon full and mature consideration. He had been long enough in the world to be a witness to several attempts of the kind; and if he might safely judge from the consequences, he saw nothing sufficient to induce him to make farther trials of a similar nature. The present age was fruitful in schemes; every person who thought of one making no scruple of bringing it forward under the name of an improvement; but whenever they were or should be offered to his consideration, either as a member of the legislature or a statesman, he should always act with great caution and much doubt; and that because whatever came so powerfully recommended to him as to have received the approbation of the ablest men in the most enlightened times, ought not, in his opinion, to be changed, till after the fullest consideration, or upon motives of the most urgent necessity.

The noble earl's second proposition, which more particularly applied to the principle he seemed desirous to establish, was so framed as to recommend to their lordships to come to vote upon a question merely abstract. It was a deduction drawn from his first, which was not even attempted to be proved; and it recommended to give a compensation in lieu of tythes in certain instances;—certain, here, evidently referred to something which was to be the result of previous investigation and enquiry; and therefore, in his apprehension, would amount to a declaration on the part of their lordships, that something was fit to be done, of which no previous definition was pretended to be given. In certain cases, or in certain circumstances, some case or circumstance ought to be stated or defined, in which it would be proper to act in such or such a manner. Before the case presented itself to their lordships, it would be absurd to say what would, or could be fit to do; when it should happen, therefore, was, in his opinion, full time enough to determine whether it was a right or wrong measure. The noble earl said, that the principle, as he explained it, had been fully sanctioned upon a former occasion; he meant the principle of commutation, of giving land in lieu of tythes. He was unwilling to refer to what passed in a former debate, and much more so to call any determination of their lordships into question or review: but, under this reservation, he deemed himself at liberty to observe upon what had passed the last day. The Bill for enclosing the lands therein stated, most certainly met with their lordships concurrence; but he never understood that the principle, as now brought forward by the noble earl, had, or indeed, was properly at all under contemplation.

He begged their lordships to reflect, notwithstanding what had been urged by the learned lord, respecting what passed the last day concerning the determination of the House upon the motion of recommitment made by a reverend prelate, that although their lordships might think a particular principle proper to be adopted respecting a particular private Bill, it by no means followed, that the same principle, merely on the ground of prudence, was fit to be laid down in all cases as a general one, or to be adhered to in all cases that might occur; and though it migt not be decent in him to controvert the propriety of that decision, or censure the conduct of the House on that occasion, he could never conceive that he was thereby precluded, or so far bound as to acquiesce under the extensive application of it, which the learned lord seemed desirous to make. If he recollected right, that Bill stood upon its own particular basis; an argument between the parties themselves, that on one side such a compensation was offered, and on the other that it was accepted of. When, therefore, he heard a rule laid down, which was to govern in all cases, and heard an instance adduced, in which that rule was thought applicable in a particular case, he confessed his total inability to discover how particular instances could be pleaded as an example on which to build a general rule. It might be perfectly right to commute upon some occasions; it might on others be equally improper; but if their lordships agreed to vote the abstract question proposed by the noble earl, their hands would be tied up in such a manner as to exclude all choice.

But if he disapproved of the matter, he

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no less disapproved of the manner in which the noble lord had brought this question forward—just at the eve of a recess. He should think it improper perhaps at any time, much more now. But in what shape did it come recommended to their lordships? In the first instance, as so many standing orders to be entered upon their lordships Journals; and as to the Bill, in the shape of a law. By the former, their lordships were precluded from entering into the propriety or impropriety of any Bill which came within the terms of the standing orders; by the latter, they undertook to bind the other branch of the legislature in all possible cases. How decent or fit that might be, he should not pretend to determine; but this he was ready to prove, that such a law, even in respect to their lordships themselves, would be idle and nugatory, as it declared in its principle not merely an act or law for the time, but was manifestly intended to bind their lordships, as well as the other House, which so far as it was professedly meant to operate, amounted to a perpetual law.

His lordship pointed out a number of other inconveniencies which might arise upon the general principle of the noble earl's proposed resolutions. Among others he controverted the allotment or portion carved out or meant to be carved out for the rector, vicar, or lay impropriator. In many instances the eighth, he contended, was not a fair equivalent in land; and if the general commutation of land, instead of tythe, were to take place, he doubted much that he would have a very able and probably a decisive support in that House. If the reformation was to be general; if all tythe was to be commuted for land, or any other equivalent, he had good reason to believe that many who heard him, who were not adverse to the voting of an abstract question, might probably adopt another mode and stile of thinking on the subject; and he would tell his reason. Though they might not feel that childish partiality and prejudice for the interests of the church that was imputed to him, they would possibly feel other sentiments which might immediately point out to them the necessary protection of their own property. Several of the noble lords that heard him who were the proprietors of lay impropriations, if the commutation was to be a general one, would soon learn that an eighth would neither be a fair nor equitable equivalent; they would perceive that what they were to receive would prove inadequate; consequently his fears for the clergy, if he had entertained any, would soon cease, being tolerably confident when the lay impropriators understood that their interests would be affected as well as those of the clergy by this new plan of indiscriminate commutation, they, he made no doubt, would not be so unmindful of themselves as to neglect, upon every future occasion which might arise, to take every necessary means in their power as members of the legislature, that the compensation they were to receive was an adequate one, and such as, without any diminution of the interest they were about to part with, might be deemed a safe and equitable equivalent.

From this remark his lordship proceeded to state the compensation per acre in money, paid for the great tythes in Hertfordshire, Hampshire, and Wiltshire, in which counties, possessing property, he could, from his own knowledge, speak upon the subject. He contended from this, that if the resolution was adopted, the clergy would suffer considerably; and elucidated his assertion in the following manner: he supposed, that the native value of land was so much, that this land, in a state of cultivation, was worth so much more. He begged to elucidate what he meant to suppose, that it would let at ten or twenty shillings an acre, and when under corn it was worth ten times that sum; he would submit to their lordships, whether a seventh or eighth of the land, or a rent equal to the seventh or eighth of the land, would be an adequate compensation to the patron, incumbent, or lay impropriator; no, nor he believed a fifth, because tythe imported not a tenth, an eighth, or a seventh of the intrinsic value of the land, agreeably to the rent reserved, but a tenth of it when in a state of the highest cultivation and improvement. His lordship stated an infinite number of other arguments, many of which bore hard on the noble mover of the question. In particular he said, it was not very usual in one noble lord to wrest a subject out of the hands of another, who had given notice, that he intended to bring the matter before their lordships. A noble earl had, as their lordships would be pleased to recollect, given notice on Friday, that he meant to prepare some propositions, which, when he had properly matured, he had declared

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he should submit to their consideration; why then was another noble lord, merely from feeling his own mind more ready, and his ideas quicker upon the subject, to forestal the noble earl? Was it from a consciousness of greater knowledge, or a rooted conviction that the ideas he had formed were the only good ideas that could be collected on the subject? By saying this, he begged not to be understood as meaning to insinuate that his Majesty's councils were not as wisely presided over as ever they had been at any time whatever; he only meant to observe, that there was no reason for their lordships to be suddenly called on to decide upon a subject in five days time, which they were to be allowed a much longer time to think better of. His lordship concluded with earnestly repeating his intreaty, that the House would not precipitately enter into a matter of so much importance.

Earl *Bathurst* complained of having been greatly misunderstood by the learned lord. Nothing could be farther from his intention than precipitancy; he had all through his speech expressly declared as much. With regard to the argument, that it would be irregular for the committee to decide, and then for the House to reconsider upon the report, let their lordships recollect, that it was the rule of proceeding in every Bill brought into that House for the repeal of a law, by which the religion or commerce of the kingdom might be affected, or in respect to a proposition of any kind which would affect ancient establishments, or which seemed to be of peculiar consequence and importance; it was, indeed, the established mode of proceeding, because it would open a door to a fuller and freer discussion. Their lordships would in that case be at liberty to weigh and examine the proposition in all its relations; to hear objections to former arguments; to point out how far they had been answered or removed: in short, it would be in a committee of the whole House only, where a subject of such great extent, and embracing such a variety of objects, could be fairly discussed and examined. As to the presumed impropriety of reporting the Bill the same day it was committed, that, he presumed, was perfectly regular; for if no amendment was made in a committee, a Bill was reported the same day; but if an amendment was made, the Bill was never reported till the next day, and then the House proceeded to consider it. He replied to several objections made by the learned lord who spoke last, hoping that their lordships would not be misled, but would learn to make the just distinction between facts and assertions, misrepresentations and arguments, and laboured exertions of eloquence and sound reasoning, leading to a clear and undisputed conclusion. The learned prelate who rose to answer him had totally misunderstood him, and in some particulars had mis-stated his arguments; and in this it was his fate to be peculiarly unfortunate, because he had taken uncommon pains to obviate the objections which he foresaw might be made to a premature decision, upon a subject every way so important. He begged leave to assure that noble prelate, that it was never his wish to precipitate the business, or press their lordships to a hasty and sudden vote: he had, on the contrary, guarded his propositions with all possible caution; and, so far from proposing to hurry the Bill through both Houses at so advanced a period of the session, he had expressly stated, that his wish was to proceed with it to the stage of having it printed, and then to let it lie on the table till the next session.

The Bishop of *St. David's* said, in his opinion, the session was by much too far advanced to take the matter up at present: He must confess, he had heard nothing sufficient to obviate the objections he had made on a former day to the principle of commutation. At the same time, it was a respect due to the noble earl, which no person would controvert, that the part he had acted claimed every possible degree of attention and respect. In that point of view, although he was not now disposed to vote for going into a committee on the learned lord's propositions; at a more convenient opportunity, he would cheerfully enter into the business.

The Earl of *Coventry* said, he retained his opinion, that commutation of tythes for land would be a measure of infinite benefit, and prove equally advantageous to the rector, lay-impropriator, the landowner, and the farmer; nor had he heard a single objection stated, of sufficient force to alter it. Some objections respecting time and convenience had, indeed, been made that day, which might weigh against the noble earl's motion for a committee on Wednesday next; but not one, which went against its principle and proposed objects.

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Some confusion, or rather a sudden conversation arose about the table, which could not be distinctly heard below the bar; the first thing which was heard, was from the woolsack, which declared, "that this House do adjourn to Monday next."

The Duke of *Richmond* strongly objected to this sudden and informal adjournment, which, he contended, was unprecedented. It was against all rule and order, he said, to adjourn the House in the midst of a debate, without any motion or notice whatever. There was a regular motion before the House; until that motion was disposed of, it was impossible to adjourn the House. The woolsack could only put the question upon a motion regularly made; in the present instance no such motion had made, and if it had, no question had been regularly put upon it; but the learned lord on the woolsack had barely contented himself with putting the ordinary question of adjournment, as if no business whatever remained before the House undisposed of. Surely, it would be decent to wait for the noble earl to abandon his motion before it were thus set aside.

The Bishop of *Landaff* said, he had been authorized by the noble earl who made the motion, to move the question of adjournment, and suggested such consent to the woolsack.

The question of adjournment was put and carried.

Petition from the Delegated Counties for a Redress of Grievances.] April 2. Mr. *Duncombe* rose, in the absence of sir George Savile, to bring up the petition from the delegates of the several associated counties. He lamented that the petition should suffer by the absence of the hon. baronet, who would have given so much respect and energy to the humble and legal requisition of the constituent body of the people; but, at the same time, he rejoiced at the public opportunity which he had of declaring his approbation of the principle and the tendency of that petition, which spoke the sentiments, and expressed the wishes of so many thousands of his own constituents. He declared, at the same time, that the prayer of the petition was altogether consistent with his own wishes and principles. He thought the reform which was solicited by the people was not only proper, but absolutely necessary to the welfare and existence of our constitution. He read the title of the petition; it did not state the subscribers to be the delegates of associations, but to be "freeholders of the respective counties of York, Surrey, Hertford, Huntingdon, Middlesex, Essex, Kent, Devon, and Nottingham, and electors of the city of Westminster." He moved for leave to bring it up.

Mr. *Coke* professed himself to be, as formerly, the firm friend of those constitutional petitions which had come in the last session from the counties. He had himself signed one of them, and he highly approved of their principle and object. But things had sprung out of those petitions of which he did not approve, because he conceived them to be at once dangerous and unconstitutional: those were the associations and the congress of delegates. If the present petition was, therefore, from the delegates, he should certainly oppose it. He would admit of no such characters in a legal and constitutional point of view, and he desired to see the sense of the House fully expressed on the occasion, as it was more manly to oppose it in the first instance, than to suffer it to lie on the table, and establish a precedent of a dangerous tendency. He spoke thus freely, because he knew all the gentlemen who were the delegates from the different counties, and knew them to be men of the most respectable character, and from whom, personally, no injury to the constitution could be apprehended. But the establishment of such a body, and the recognizing of them by the acceptance of their petition, he looked upon as exceedingly improper; and for that reason he commended the city of London for having excluded them from the chambers of the city. He had thought it necessary to say thus much, in order that the House might know his opinion on the subject; and that if the petition professed itself to be from the delegates, the sense of the House might be declared at once.

Mr. *Powys* said, that he had particularly attended to the title of the petition, to learn whether or not it was expressed to be from the delegates. He said, if it had been so, he should, like the hon. gentleman, have opposed the motion for bringing it up, because he did not know, by the constitution, any such characters as delegates, but it was not from the delegates. The petition was from gentlemen stated to be the freeholders of counties, and as such the House could not, in his opinion, reject it.

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Mr. *Dunning* said, there could be no question now, about the propriety or impropriety of accepting a petition from men represented to be delegates, because no such petition was offered to the House at this time. When it was, he should be ready to defend the propriety of such a petition, because he conceived there was nothing either illegal or unconstitutional in the character or in the name of a delegate. He wished to provoke no debate on this day; it was merely intended to move for the petition to lie on the table, in order that it should be taken into consideration on a future day. It had been his wish and design to have proposed to refer it to a committee; and he conceived it was a topic well worth the most serious consideration of the House. But he found that that proposition would have been disputed; therefore, he wished to give gentlemen leisure to read the petition, and to consider it, before he should make the motion; and he had reason to believe, that when they read it, and saw the names by which it was signed, the objects to which it went, and the purpose which he aimed to accomplish, they would not then think it proper to refuse the motion of referring it to a committee. Such a refusal would, in fact, be to say, that there was nothing in the petition deserving the consideration of the House. This, he believed, they would not venture to say. The petition was almost the same, in every respect, as that which had been presented last year, on which the House had come to the resolutions of the 6th of April, and which resolutions, he conceived, nothing but the dissolution of parliament had prevented them from carrying into effect.

Mr. *Fox* did not rise to provoke a debate by saying any thing on the subject of the petition to be presented to the House; but he could not sit still and hear it asserted, that it was an illegal or unconstitutional thing to appoint delegates, or that those delegates should petition parliament. He considered it, on the contrary, not only as a legal, but in the present circumstances and situation of the country, as a laudable measure. By what law was it declared to be unconstitutional for the people to appoint delegates to reside in the metropolis, and to watch the conduct of their representatives? And by what law was it declared to be unconstitutional for their delegates, so appointed, to apply to parliament by a loyal, submissive petition? Did they lose the privilege of the freeholder when they assumed the title of the delegate? Or did it, in any degree, change the nature or diminish the consequence of the persons when they adopted that character? Surely not; such a petition would be perfectly constitutional. He found no law to prevent it; but he found it, from every consideration, to be not only a legal but a laudable measure; and if that petition had been declared to be the petition of the delegates, he should have been ready to have signed it in his delegated capacity, and to have defended it in that House as a faithful representative of the people. It had not been signed in that manner, because it might have been disagreeable to some gentlemen who were otherways friendly to the objects of the petition.

The petition was brought up and read, setting forth;

"That this nation hath been engaged for several years in a most expensive and unfortunate war; that many of our valuable colonies, having actually declared themselves independent, have formed a strict confederacy with the ancient enemies of Great Britain; that the consequences of these combined misfortunes have been, a large addition to the national debt, an heavy accumulation of taxes, a rapid decline of the trade, manufactures, and land rents of the kingdom: that, notwithstanding this calamitous and impoverished state of the nation, much public money has been improvidently squandered: and that many individuals enjoy sinecure places, efficient places with exorbitant emoluments, and pensions unmerited by public service, to a large and still increasing amount, whence the crown has acquired a great and unconstitutional influence, which, if not checked, may soon prove fatal to the liberties of this country: and your petitioners farther shew, that your petitioners, jointly with others, freeholders of several counties, and electors of several cities and towns in this kingdom, did, in the last session of the late parliament, present to the honourable House of Commons, humble petitions, requesting that some remedy might be provided by the wisdom of parliament against the extensive and unconstitutional influence of the crown, and some stop might be put to the lavish expenditure of public money: and your petitioners beg leave to state, that the matter contained in the petitions so presented by your petitioners and others,

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was taken into consideration by that honourable House; and on due and mature deliberation that honourable House resolved, 1. 'That it is necessary to declare, 'that the influence of the crown has increased, is increasing, and ought to be 'diminished: 2. That it is competent to 'this House, to examine into, and to correct abuses in, the expenditure of the 'Civil List revenues, as well as in every 'other branch of the public revenue, 'whenever it shall appear expedient to the 'wisdom of this House so to do: 3. That 'it is the duty of this House, to provide, 'as far as may be, an immediate and effectual redress of the abuses complained 'of in the petitions presented to this 'House from the different counties, cities, 'and towns, in this kingdom:' and your petitioners beg leave farther to state, that before that honourable House had effected that diminution of the influence of the crown; and had provided an effectual redress of the grievances complained of in the said petitions, the said parliament of Great Britain was, by his Majesty's royal proclamation, dissolved: your petitioners, therefore, on behalf of themselves and others their fellow subjects, who joined with your petitioners in the said petitions, appealing to the justice of this honourable House, do most earnestly request, both for the relief of the subject and the safety of the constitution, that this honourable House will proceed to enquire by what means that diminution of the influence of the crown may be obtained, which the last House of Commons declared to be necessary; and that this honourable House will proceed to examine into all the branches of the public money; and also to enquire what expences can be retrenched by an abolition of sinecure or unnecessary places, by a reformation in respect of pensions unmerited by public services, and by a reduction of the exorbitant emoluments of office; and that the produce be appropriated to the necessities of the state, in such manner as to the wisdom of parliament shall seem meet.

Ordered to lie on the table.

Mr. Wilkes's Motion for expunging the Resolution respecting his Expulsion.] April 5. Mr. *Wilkes* rose to make his annual motion. He did not mean to enter into any enumeration of the arguments which had from time to time been advanced on this subject; they were not unknown to the House, although this was the first session of a new parliament. He should always think it his duty to bring on the question, both from the regard which he entertained for the violated privileges of the constituent body of the Commons House of Parliament, and in particular, for those of his own constituents, the freeholders of Middlesex; and he trusted, the House, in the recollection of the trust which had been so recently reposed in their hands by the people, would think themselves bound by duty and gratitude to shew their abhorrence of that resolution which contained so daring an infringement on their rights and franchises. He had not one new idea to offer on the subject. He believed the House were in possession of every thing which was necessary to their conviction. He particularly adverted to the conduct of the present Speaker on this question in the last parliament, and paid him high compliments for the manly and independent part which he had taken in reprobating the resolution of the House, and he doubted not, but he would now have the satisfaction of declaring, that the House agreed to the expunging of that resolution unanimously. He therefore desired, that the Journals of the 17th of February 1769, containing the resolution of expulsion, might be read by the clerk at the table. This being done, he moved, "That the resolution of the House of the 17th of February 1769, 'That John Wilkes, 'esq. having been, in this session of par'liament, expelled this House, was and is 'incapable of being elected a member to 'serve in this present parliament,' be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom."

Mr. *Byng* seconded the motion of his colleague. The expulsion had been an attack of the most daring nature on the rights of the county of Middlesex, immediately, as it was on those of all the constituent body of England in its tendency and principle. It was a resolution which had given universal alarm and dissatisfaction; and he declared, that out of that House he did not meet with a person who pretended to approve of it. He sincerely hoped they would then assert their honour as men, and act up to the sentiments which they possessed.

Mr. *Turner* said, that the resolution complained of was no subject of merriment. It had in fact been one of the great causes which had separated this

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country from America. It had given the colonies just reason to distrust the parliament of Great Britain. After such a resolution they could no longer consider them as the constituents of the people, but the packed adherents of a profligate ministry. Was not the suspicion but too well founded? Of what was that House composed? One half of them were seated by peers. There were a few popular boroughs, where the heaviest purse gained the conquest, and they were devoted, in a shameful degree, to the Treasury bench. They were no more to be considered as the representatives of the people. He called upon them, with the most anxious concern, to rescue themselves from the imputation of such vassalage, and in doing this they would more effectually invite the Americans to a return of their confidence, than by any other step whatever.

Lord *Surrey* warmly supported the motion, and declared that it was not only the sense of Middlesex, but of the whole country, that that resolution was highly subversive of their rights and privileges. The House might easily remember what general dissatisfaction it gave. It not only inspired the suspicion, that that House was devoted to the minister, but also that the resolution was the act of resentment against an individual for having with his pen explained to the people the alarming tendency of the system then forming for the overthrow of the empire.

The House divided:

Tellers.

Yeas	Mr. Byng Mr. Alderman Newnham	61
Noes	Sir Grey Cooper Mr. Ord	116

So it passed in the negative.

Debate in the Commons on the Almanack Duties Bill.] April 6. On the order of the day for going into a Committee of Ways and Means,

Lord *North* said he had a proposition to make in the Committee, relative to the duties on Almanacks, but it would be necessary first to move it in the House, that it might go in the form of an instruction to the Committee. By the laws now in being, these duties were divided into two branches, those on sheet, and those on book almanacks; and the latter were double the amount of the former, the one being charged only with a duty of 2*d.* while the other paid 4*d.* each. The idea of the legislature in making this difference was, that book almanacks being more valuable, could afford to pay a higher duty than the other species; but a door had here been opened to evasion and fraud against the revenue, for the sheet were now printed on so large a paper, and made to fold in such a manner as to answer all the purposes of book almanacks, though they paid but half the duty. This practice had been complained of by the booksellers, and was plainly injurious to the public. This appeared by a comparison of the duties paid on sheet and book almanacks in two years: in one year 316,515 sheet almanacks, and 261,060 book almanacks: but in the next year the contrivance of printing sheet almanacks had so far succeeded, that book almanacks had in the very next year fallen 32,003 of the above number. He should therefore propose to provide a remedy against it, by raising the duty on sheet almanacks to the same amount as the other, by which the increase of duty would be about 2,600*l.* a year. But his plan went farther than this. The right of printing almanacks was for a long time monopolized by the Stationers' Company and the two universities, till the latter gave up their privilege to the stationers, on condition of receiving a yearly compensation in money, which was settled at 500 guineas a year for Cambridge, and 550*l.* for Oxford; these annuities were employed by the universities for very noble purposes, and highly beneficial to the public, for they defrayed the expence of printing many valuable works, which would otherwise have been lost in obscurity. But after this agreement had long subsisted, and the monopoly which gave rise to it had been exercised without dispute for more than 200 years, it was questioned, and after much litigation defeated, by the assiduity of Mr. Carnan, a printer, who supported the right of printing almanacks for himself and the public at large, and obtained a judgment in the court of Common Pleas some years ago against the stationers and the universities, by which their monopoly was declared illegal. He meant in no degree to throw censure on Mr. Carnan. His exertions had done him credit. In consequence of this, a Bill had been brought into parliament for making that legal, which by the laws then in being was pronounced to be otherwise; and the great injury which would redound to the universities, was the principal ground on

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which the House was requested to renew the monopoly. He himself was a friend to that Bill, but had the misfortune to find himself in a minority, the House being of opinion that they ought not to authorize monopolies in any case, and feeling beside the great detriment which would redound to Mr. Carnan, by destroying the effect of all his expences, and public-spirited industry.* However, it was suggested on that occasion, and understood to be the sense of the House, that some means should be found to compensate the universities for the loss of their annual incomes. Now, he thought no provision could be made with so much propriety for reimbursing the two universities, as from that increase of revenue which was in contemplation, by raising the duty on Almanacks; and he should therefore propose, in the Committee of Supply, to charge the produce of this new tax with 500*l.* a year for the university of Oxford, and the same sum for that of Cambridge.

Sir *E. Astley* suggested a fear that a charge might be made by this spirit of liberality, which the whole amount of the duties might not bes ufficient to answer, as great numbers of almanacks might now be on hand.

Mr. *William Strahan* rose to inform the hon. gentleman, that an almanack only serves for one year, and there was no reason to apprehend that the additional duty would injure the trade; and lord North satisfied him, that no other fund would be charged with the proposed annuities, should this not prove responsible.

Mr. *Byng* declared he would give his opposition to the noble lord in this mark of his private and local generosity, for he thought the country was not in a situation to afford it. It was a job, and of the same nature with those favours which the noble lord so profusely bestowed, at the public expence, in order to strengthen his own interest. He also professed his disapprobation of the proposed duty.

Mr. Solicitor General *Mansfield* felt himself called upon in gratitude to the learned body who had conferred upon him the distinguished honour of making him their representative, to support the noble lord's proposition; but had he no peculiar motive to actuate him on this occasion, still, as a public man, and a member of that House, he should heartily concur in a measure, which he conceived was essential to the honour and interest of the nation. The proposed grant could not be deemed a private one; for nothing could be more eminently a public interest than the prosperity of the two universities: surely it was needless to support that truth among so many gentlemen who owed their education to those famous seminaries, of which their country experienced the happy effect. He then entered into the subject of the monopoly; and though he admitted the legality of the decision by which it was destroyed, contended the universities sustained thereby a hardship.

Mr. *John Townshend* also pleaded the cause of the universities. The honour of the empire, he said, was connected with its literary character, and in a great degree dependent upon it. Surely the liberality of parliament towards the two universities would never be considered as a job, nor be ranked among the favours of the minister, distributed for the purposes of influence and corruption. It was certainly among the first duties of the legislature to cultivate the respect and glory of letters, by the honourabe patronage they bestowed on the two universities. It would be a miserable situation, equally disadvantageous and disgraceful to the country, if there was not a press in the kingdom at which a man of genius and learning could trust any performance beyond a play or a novel.

Lord *Surrey* did not rise to oppose the motion from any disrespect to the two universities, for which bodies he had the greatest veneration. He was very willing that they should receive the sum proposed for them by the noble lord, but he thought it should come from another fund than a tax on almanacks. Almanack makers were a very useful set of men. Therefore, let the sum to be raised for the universities be levied on the holders of sinecures, some of which had 3,000*l.* a year.

Sir *W. Dolben* mentioned the particular obligations he was under to one of the universities, and spoke of the advantage of the university presses, in which some works had come out, and others would soon come out, that would do honour to the nation.

Mr. *Byng* conceived it to be too humiliating to the dignity of the two universities, to solicit a two-penny tax on almanacks. The King had a great revenue granted him for one express purpose, that of rewarding merit. Let the Civil List, then, supply the 1,000*l.* to the universities.

The motion was then agreed to.

* See vol. 20, p. 602.

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April 26. Lord North brought in a Bill "for granting to his Majesty an additional duty on almanacks, printed on one side of any one sheet or piece of paper, and for allowing a certain annual sum out of the said duty to each of the universities of Oxford and Cambridge, in lieu of the money heretofore paid to the said universities by the company of Stationers of the city of London, for the privilege of printing almanacks."

Mr. *Turner* said, the whole idea of the Bill was erroneous: he submitted it, therefore, whether it was decent in a British House of Commons to countenance a Bill built upon a falsehood. As a private individual, the noble lord in the blue ribbon had ever been regarded, and indeed was perfectly well known to be a man of as strict honour as any other individual living; but as a member of parliament, he was not bound to believe what fell from the noble lord in that House in the character of minister. Having this opinion, he scrupled not to repeat, that the principle of the Bill was founded in a falsity; for what had the noble lord told the House, but that those two great seminaries, of which they had heard so much lately, deserved every possible encourgement, for that their welfare and prosperity were of the utmost importance to the public? He did not believe a tittle of this assertion. On the contrary, he verily believed that the two universities were a public evil, and not a public benefit. At those seminaries it was that the seeds of mischief were sown and took root; which, when ripened to maturity, were sure to spring up and spread and blossom in that House. (A laugh) Gentlemen might laugh, but he always spoke his mind; and he always would call trees by the names of the fruits they produced; if a crab was grafted on a peach, the proper name of the fruit of the tree was a crab, and not a peach. He had himself had the honour (as it was called) of being educated at one of the seminaries he was speaking of, and had been under the tuition of two as learned and as able men as ever lived. One of them had taken uncommon pains to make him master of the principles of civil law. He thanked God he had got all that he had learned of the civil law by that time pretty well out of his head. He rejoiced at it; he was sure, that if he had not laboured to forget what he had learnt respecting the civil law, he should not be half so good a member of parliament as he was; and when he said this, he did not mean to arrogate any great credit to himself. He knew he had no other merit than that of endeavouring to do his duty, and in that he would persevere to the best of his judgment. But if gentlemen recollected the unconstitutional doctrines sometimes held in that House, by the professors of civil law, they must, if they spoke their minds, join with him in opinion, that it was a blessing to be ignorant of all that related to civil law. It was from that baneful source that there flowed so much servile attachment to prerogative, and such blind obedience to power in preference to constitution. It was from this school that the crown received its advocates against the people; and from thence it was that all their nice and ridiculous arguments were derived, which were brought forward in parliament, to confound and defeat the upright exertions of plain sense in favour of human freedom. With regard to the present Bill, it was not only founded on falsity, but it was an instrument of oppression. It was brought in with a design to run down and harass an individual, who had broken through an illegal monopoly, and deserved public thanks, and public support, instead of public persecution. Mr. Carnan had acted in a manner which claimed reward rather than punishment. He had, at a great expence to himself, opened the right of printing almanacks to the public at large, for which the minister had turned his prosecutor. He was perfectly aware that the noble lord, as Chancellor of the university of Oxford, was under a degree of bias. It was natural for men to wish to make some return to those from whom they derived a degree of rank and consequence in the world. He was ready to make a proper allowance for this, which he considered as a laudable partiality; but still it was no justification for harassing and oppressing an individual. The minister had before attempted to bring in a Bill for re-establishing the monopoly, which the House had resisted with firmness, and he hoped they would do the same now.

Lord *North* said, when the hon. gentleman began his speech, and brought forward a charge against him of having stated a falsity to the House, he was somewhat alarmed; but the hon. gentleman, in the progress of what he said, had made him tolerably easy, by declaring, that it was not a falsity in point of fact, but a falsity in point of opinion, with which he meant

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to charge him. The hon. gentleman had certainly opened his accusation in as polite a manner, and with as little offence, as such an accusation could possibly be urged; but at first, he was ready to confess he felt himself a little uneasy, because he was satisfied, that he never had presumed to call the attention of the House to any matter, either of great or little importance, which was not strictly true, as far as his information went. His uneasiness was now removed; and as the falsity of opinion on which the hon. gentleman rested, was declared to be his assertion, that the welfare and prosperity of the two universities were of great importance to the public, he made no scruple to repeat the assertion, and to confess that he differed totally from the hon. gentleman on that head. The only argument used by the hon. gentleman in support of his opinion, that the two learned seminaries were a public evil, and not a public benefit, was, that they taught the civil law, and that a knowledge of civil law was of the most mischievous consequence within those walls. In answer to this, he would venture to congratulate the hon. gentleman on the little ground that there was for his fears; because he believed it would be allowed, that few gentlemen retained any great share of the civil law which they learned at the universities: He was sure not enough of it to taint or to affect their political principles: for his own part, he had now but little of it left: and if he had justly conceived the hon. gentleman, he had felicitated himself on having almost wholly forgot all that he had learnt at college upon that subject; here then they were perfectly agreed. With regard to Mr. Carnan, he was a little surprised to hear that the minister had prosecuted him; that the minister was a friend to illegal monopolies, and meant to discountenance and punish all who successfully endeavoured to abolish them. The fact was very much otherwise: Mr. Carnan had, at his own risque, challenged the legality of a charter under the authority of which the Stationers' Company had for near 200 years, without the smallest interruption, been the printers and venders of almanacks in right of the two universities, upon an annual sum paid to Oxford and Cambridge. The matter went to trial in the fairest and most regular manner. The decision was in favour of Mr. Carnan, and he had ever since exercised the right of printing almanacks in common with the company. But the whole of the contest was a matter that merely lay between Mr. Carnan and the company: administration took no part in it, nor had they to that hour interfered either one way or the other: nor had Mr. Carnan any right to complain; he had not been led from court to court, nor harrassed in any manner whatever. In all this business there was, he conceived, no censure due to administration. The Bill was the Bill of the House, and as such, he did not doubt but it would pass without opposition.

The Bill was read a first time.

Debate in the Commons on the Affairs of the East India Company.] April 9. Lord *North* rose to make a motion relative to the East India Company. It was not his intention, he said, to move any specific proposition before the holidays, or to go into a debate on the important business that the regulation of the Company's affairs would open to the view of parliament. However, he thought it would be proper for him to say something this day on the subject, that gentlemen might see upon what grounds it would be necessary to proceed. For this purpose, it would be requisite for him to go back to the year 1767. In that year an agreement had been made with the Company, by which they were bound to pay to government 400,000*l.* per annum for two years, in consideration of a farther enjoyment of the revenue arising from the territorial acquisitions in India. This agreement he confessed was faulty, and hard upon the Company, for it bound them to pay the stipulated sum, under every possible situation of affairs; even though they should be obliged by war, or any loss flowing from some other cause, to lower their dividends for that purpose. In 1769 another agreement took place, by which the Company were bound to pay the annuity of 400,000*l.* for six years: but this second agreement was not liable to the objection that might have been made to the former; for the directors of the Company were empowered to regulate the payment of this annuity by the dividends they should make, or rather by the success of their commerce, or the losses they should sustain; so that the annuity should so far fluctuate with the Company's affairs that if their profits should be under the standard according to which the annuity had been regulated, then the annuity should be proportionably under 400,000*l.* a year; but if the state of affairs

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should enable the Company to make a dividend of 8 per cent. and still leave a surplus in their treasury, then the net profits over and above the dividend of 8 per cent. and all the expences of the Company were to be divided between them and government, at the rate of three fourths to the latter, and the remaining one fourth to the former. The completion of this agreement, which was to have lasted from 1769 to 1775, was prevented by the calamity that befel the Company in 1772. Gentlemen might remember that the drafts on the Company, in that year, were so great, that they could by no means satisfy them: in this almost bankrupt state—for bankrupt he might call it, when the demands on the Company were greater than their resources to satisfy them, it was impossible for the directors to fulfil their agreement: parliament at this seasonable moment interfered, and by a friendly indulgence as well as by certain regulations, raised them from the brink of ruin, to that opulent, flourishing condition in which the Company now stood. Parliament granted them a loan of 1,500,000*l.* by which they were enabled to discharge all the claims that were then made upon them: the conditions of this loan were, that until the 1,500,000*l.* should be repaid, the dividends should not exceed 6 per cent. and that till their bond debts should be reduced 1,500,000*l.* the dividends should not be more than 7 per cent. but if the success of their affairs should enable them to make a dividend of 8 per cent. after the extinction of the loan debt, and the reduction of the bond debt to 1,500,000*l.* then the old agreement was to be resorted to; in consequence of which all the net profits over and above the dividend and expences of the Company, were to be divided in the proportion already mentioned, of three fourths to government, and one fourth to the Company. That era had since arrived; for the Company had since divided 8 per cent. but the net profit exceeding that dividend had not been divided with government, who consequently had a demand upon the Company for whatever sum three fourths of the net profits have produced.

This was the situation of the Company and the public, when offers had been made by the former to government for a renewal of their charter: these offers had not appeared to him sufficiently advantageous to the public, who, in his opinion, were justly entitled to a participation of those profits and advantages, which the Company now enjoy through the generous assistance of parliament. It was now the business of parliament to interfere, since the Company had not thought proper to renew their applications, or make better offers for the public. It would be for parliament to pronounce whether it would be proper for the crown to take the territorial revenues and acquisitions into their own hands, or leave them to the management of a company. It was also for them to consider if it was proper to throw the trade to India entirely open, or grant the monopoly of it to another Company. He did not mean to bring before the House, on this day, the question of property in the territorial acquisitions and revenue; for his own part, it was a fixed maxim, that whatever territorial acquisitions were made by subjects of this state, must necessarily belong to the public; and consequently he was as clear as he was of any thing whatever, that the territorial possessions in India were the undoubted right and property of the crown and the people. This was a question which had been disputed by the Company, though the grants made to them were founded on that right most clearly expressed; and the annuities stipulated to be paid to government, were the price of the suspension or waving that right, for the terms agreed upon in the different agreements made with the Company: this had surprised him greatly; and nothing could heighten his surprise, but to hear that they should deny the just claim that government had to an annual participation in the profits exceeding a dividend of 8 per cent.

But it might be said, that the commercial profits alone, without the territorial revenues, were equal to a dividend of 8 per cent. and consequently, that the Company ought to be entitled to such a dividend, without being liable to have it lessened, to procure greater emoluments to government, on the supposition that the territorial revenues, and not the profits of commerce alone, enabled the Company to divide 8 per cent.; this objection might be founded on the report of a select committee, by which it appeared, that on a medium of 47 years, from 1708 to 1755, before the territorial acquisitions had been made, the Company had divided annually 8 per cent.; this objection, though seemingly very plausible, was not unanswerable; the committee, who admitted the dividend, did not say, that the situation or posture

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of the Company's affairs during the 47 years alluded to justified so large a dividend; and the consequence that attended it manifestly proved that it was highly unjustifiable: for when government reduced the interests on the debt it owed to the Company one-half per cent. the directors reduced this dividend from 8 to 6 per cent. which clearly proved, that the debts accumulated in consequence of former large dividends were very great indeed; and yet, no sooner had the Company acquired their territorial possessions, and been enabled, by the loan of 1,500,000*l.* to avail themselves of the benefits that in time they knew they must derive from them, than they not only repaid the 1,500,000*l.* and reduced their bond debt to 1,500,000*l.* but also raised their dividends from 6, to which they had fallen, to 8 per cent. Hence it was clear, that the mere trade of India could never enable the Company, without the territorial acquisitions, to make a dividend of 8 per cent.

His lordship farther observed, that though he did not then intend to state any specific proposition relative to the future management of the Company's affairs, still he held it to be his duty to state to the House some points, that would be very proper for them to consider, before they should proceed to vote any question. First, the propriety of making the Company account with the public for the three fourths of all the net profits above 8 per cent. Next, the propriety of granting a renewal of the charter for an exclusive trade for a short, rather than for a long term. Thirdly, of giving a greater degree of power than had hitherto been enjoyed, to the governor of Bengal; and that he might be in future something more than the other members of the council, a mere *primus inter pares*. For his part, he was an enemy to absolute power; but if the genius and habits and religious prejudices of India were inconsistent with a free government, then necessity would justify parliament with a degree of absolute power, to be exercised by him with moderation and discretion. Fourthly, he would suggest the propriety of establishing a tribunal at home here, for judging of India affairs only, and punishing those servants of the Company who should be convicted of having abused their power. If gentlemen should object to this tribunal, that it would be wrong to have a man tried in a manner different from that in which the rest of his fellow subjects were tried, he would, in reply to this objection, observe, that there was no compulsion for any man to go out to India; the act was voluntary, and consequently an implicit submission to the authority and competency of such a tribunal must necessarily be implied from the very act of going out; and a person who should be liable to be tried by such a tribunal would have no more cause to complain, than an officer who is tried by a court martial—a court, which has jurisdiction only over military men, except in cases when martial law prevails. Fifthly, gentlemen should determine whether it would not be proper that, as by agreement, all the dispatches received from India by the directors of the Company must be communicated to his Majesty's secretary of state, so all dispatches to India should be shewn to him before they are sent out. To throw some light upon this subject, gentlemen should recollect the great concerns which the public have in India affairs; the interests of the Company and government were the same; and as the latter must necessarily support the former in cases of danger, so it was certainly proper that government should see all dispatches, lest the directors might at some time or other precipitate this kingdom into a war without necessity, with the princes of that country. Sixthly, it would be the business of the House to determine upon what terms, and whether with or without the territorial revenues, the charter should be renewed. Seventhly, whether if government should retain the territories, it might not compel the Company to bring home the revenue for government. And eighthly, whether any, and what regulations ought to be made with respect to the supreme court of judicature. In the whole of the business two objects were to be principally attended to, the benefit of this country, and the happiness of the people of India, whose prejudices and long habits certainly deserved consideration and indulgence.

With respect to the renewal of the charter, he recollected one part of the offer made to government, which involved no inconsiderable ambiguity; it was this; the Company demanded a full enjoyment of all their charter rights; he did not exactly know what might be meant by charter rights; in his opinion it meant no more than this; an exclusive trade for the term of their charter; but if it was understood by the words charter rights

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(and he believed the Company wished so to understand them) an enjoyment of the exclusive right of superintending the whole of India affairs without any controul from government during the continuation of the charter, then he would give it as his opinion, that parliament ought not, even for a day, to part with this superintending power: the reason was obvious; the interests of this country were intimately connected with India, and any mismanagement there might be to the last degree dangerous to Great Britain. It was consequently the duty of parliament, never to renounce a controuling, superintending power over India. His lordship concluded with moving, "That this House will, on the 25th of April, resolve itself into a committee of the whole House, to take into consideration the present state of the East India Company, the proper method of governing and managing the territorial acquisitions and revenues now in their possession, and of securing to the public a just proportion of the profits arising therefrom."

General *Richard Smith* rose to reply to the noble lord, that gentlemen might not go away with the impression that the manner in which his lordship had stated some things might make upon them. The claim of the three-fourths of the net profits was perfectly new, and so unjust, that he had not a doubt but the impartiality of parliament would protect the Company against so unwarrantable an assumption.

Mr. *Jenkinson* rose to request gentlemen would not then debate the business of the Company, but wait for the 25th, when the noble lord would state his propositions.

Mr. *Gregory* expressed a willingness to support the noble lord in whatever measure should appear to him to have for its object the mutual interests of the public and the Company.

Mr. *Burke* rose for the purpose of stopping the debate; and yet he could not help saying, that the noble lord had in the course of his speech advanced several things to which he could not subscribe. The claim, he believed, was unfounded: and he warned the noble lord against beginning by an act of violence a business which would require all the moderation as well as all the wisdom of the legislature finally to adjust. He concluded by pledging himself, and those in opposition with whom he had conversed on the subject, to support the noble lord in every thing that should appear to them conducive to the joint interest of the Company, and the kingdom.

The motion was agreed to.

April 27. Lord *North* informed the House that he was not yet prepared to bring forward his propositions respecting a settlement with the East India Company, for the renewal of their charter. He had seen several of the directors, and an opening was made towards an amicable settlement. It was not, however, so advanced as to give him the confidence to declare that it would be concluded. He wished, therefore, to adjourn the Committee to Wednesday next. Even at that time he might not be able to bring forward the business, but he would be able either to inform the House that the difference would be settled, or to appoint a day when it would certainly come under their consideration. There was one circumstance however, which he thought it his duty to call the attention of the House to, which was the late disaster which we had suffered in the Carnatic. It had engaged the attention of the world in a very great degree, and undoubtedly it was a circumstance of material consequence. An indirect account of the calamity had come to hand some time ago, but no regular intelligence of it had arrived till Easter week; he could not, therefore, take notice of it sooner: but now that it had come to hand, and had given rise to so much public clamour and uneasiness, he thought it right for the House to inquire into the circumstances, and the cause of that irruption. For this purpose he meant on Monday to move for a secret committee to inquire into this business. He thought it better to refer it to a secret committee, as there was much more dispatch in a secret committee, and such objects were more fit for a secret than for an open committee. They only would be appointed to inquire into the business, and report to the House the information which they were able to collect. They would not come to any decisive question. He begged to be understood not to mean to impute blame in the present proposition to any body. Perhaps there ought to be no imputation; but there was a great national calamity which called for the attention of parliament, and in moving for the inquiry they fixed no disgrace to any man or set of men. The inquiry was meant for the purpose of discovering whether blame ought to be im-

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puted to any of our servants or not; and he trusted, that if it should be found that there had been palpable neglect or abuse of trust, the crime would receive, from the justice of parliament, the punishment which it merited.

Mr. *Baker* rose to appeal to the noble lord, whether it would be proper for the House to proceed precipitately to the length of appointing a secret committee upon a subject of such infinite importance, without first having some proof before them of the existence of the facts, into the causes of which the committee were to be instructed to enquire? At present the House knew nothing of an invasion in the Carnatic; they had no papers on their table that contained any such information; he submitted it therefore to the noble lord, whether the facts ought not first to be authenticated, and whether, before they were authenticated, it would not be a direct violation of every rule of proceeding in that House, as well as an absurdity in itself, to choose a committee to enquire into the cause of them.

Lord *North* conceived that the notoriety was a sufficient reason for the House to enquire into the business. It was a notorious fact that Hyder Ally had made an irruption into the Carnatic, and a very material disaster had been the consequence. This was a great national calamity, and therefore the House ought to enquire into the cause of it: but the East India Company had published an authentic and avowed account of it in all the newspapers. Without this, however, the notoriety of the fact would be sufficient to justify, and even to induce the House to take it up. There were many precedents for such conduct; and being a national calamity, they ought at least to enquire into the truth of the report.

Mr. *Fox* said, that what had fallen from the noble lord had given him the highest satisfaction. The noble lord's argument was perfectly wise and politic; and though it came a little awkwardly from the noble lord's mouth, he congratulated him sincerely on his having at length embraced a doctrine, which, in a variety of other cases, he had resisted and opposed, and but too often with success. When facts of such vast importance to the public as the late invasion of the Carnatic, and the disasters that followed it, had become a matter of public notoriety, he was ready to join issue with the noble lord against his hon. friend, and to declare that it was necessary to proceed to an immediate enquiry into the causes of those misfortunes, and that it would be childish to wait for minute proofs of the particulars. In cases of such magnitude forms were a mere farce, and no man of real political wisdom ought to let them stand in the way of enquiry. If there was such a thing as a certain rule of policy, this was that rule, and he rejoiced that the noble lord had followed it in the present instance. He was right for the first time, and he gave him full credit for being so; at the same time, however, he could not help remarking the extreme difference there was in the noble lord's conduct, in cases in which he was personally concerned and in which he was not. In the latter case no man was more capable of judging and of acting right. In the former, no man was so blind or so unfortunate. In the present instance, he was convinced, that if, upon its being asked who was the cause of the disasters in the Carnatic? it should be answered, Hyder Ally was the cause; the noble lord would laugh in the face of the man who should be weak or mad enough to offer such a ridiculous reply, and to think that such a reply conveyed the satisfaction required. And yet the House would recollect on how many occasions the noble lord had answered exactly in the same stile. When it had been asked, what was the cause of the American war? the noble lord had answered, the Americans were the cause. Again, as to the cause of the French war, the Spanish war, and the Dutch war, a similar answer had been given. The French, the Spaniards, and the Dutch, were the cause. In like manner, when an enquiry had been attempted into the cause of the loss of our West India islands, the answer given was, the French took them from us, and consequently they were the cause of our losing those islands; but now he flattered himself there would be an end to these puerilities and absurdities; and when a committee should be moved for, to enquire into the causes of the present calamitous, impoverished, and degraded state of the nation, the noble lord would be among the first to support a motion of that sort; if not, the world would see, that where his own conduct was likely to be involved in the consideration, and he was, of course, to be affected by the consequence, the noble lord set his face against all enquiry; but where he was a bystander, the noble lord could act as uprightly, as wisely, and as fairly as any other man in the kingdom.

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Lord *North* said, he never had opposed an inquiry into his own conduct, nor ever feared one. If his opinion was asked, whether the American war was owing to the ambition and lust of power of the rebellious Americans, or to the oppression of the British government, he undoubtedly should answer, that he thought the causes of that war were the ambition and impatience of the government of the rebellious Americans. In the inquiry, which he wished to institute, possibly it might come out, that the causes of the disasters in the Carnatic, were the ambition, rapacity, and injustice of Hyder Ally. It might, however, come out, that there were other causes, and it was for the purpose of discovering those causes that the inquiry was to be made. But surely he had not resisted an inquiry into the American war, nor acted differently in the case in which he was himself materially affected and where he was not. The American war had been repeatedly inquired into; it had been the daily subject of discussion for the last four years, and consequently it could not be said that he had been the means of stifling inquiry.

General *Smith* said he was happy to find that the House were to institute an inquiry into this calamity. It was certainly an object of the greatest magnitude. But he recommended it to the noble lord not to confine the inquiry to the mere circumstance of the irruption into the Carnatic, but to take in also the conduct of the council of Bengal, with which it would be found that the irruption was most intimately connected. That it was owing in a great degree to their conduct that the calamities had ensued, he had not a doubt, and it was very necessary, that the House should know the fact, as he hoped that the inquiry would lead to a serious and important issue, and that the House would think it incumbent upon them to go to the bottom of the business.

Lord *North* said, that undoubtedly if the committee, in the course of their inquiry, found that the irruption and disasters were in any degree occasioned by the negligence, rapacity, or other misconduct in the council of Bengal, they would make their report to the House accordingly. But he was averse to multiplying the objects of this inquiry, because it would retard them. He wished to keep them to the point, for the sake of dispatch, which was now so necessary for the interest of the Company and of the nation.

Mr. *Burke* recommended it to the noble lord by all means to extend the proposed enquiry to all the objects which were connected with the disaster of the irruption into the Carnatic. To limit it to that particular calamity, without taking into consideration the concomitant measures and circumstances that had led to it, would be idle and nugatory. The House would not receive the information that was absolutely necessary to form a judgment, or to act with wise caution on a matter that deserved so much discussion and enquiry. The conduct of the council at Bengal undoubtedly was connected with it. The whole of the proceedings, the origin and the conduct of the Mahratta war, were so immediately connected with this business, that they must be included in the enquiry. Nobody could believe but that the Mahratta war was one great cause of the irruption of Hyder Ally. It would not be believed that that irruption would have happened if it had not been for that war, begun by the members of the council. In short, there were a great variety of important objects connected with this business, which ought all to be attended to. It was a most intricate and serious business, and would require that men should come to it with the coolest heads and the steadiest hands. Being a secret committee, the necessity that there was for caution became greater: he was far from condemning a secret committee; he knew that a secret committee was the only effectual way of doing business, but then it was unavoidably, and from its nature, the cause of public suspicion; his wish, therefore, was to lessen the suspicion and increase the effect; and this he thought would be the consequence of taking up the enquiry on broad grounds. In that case the public would have confidence in the committee, and would look for success from their efforts. He repeated, it however, that he meant not to direct the enquiry to a general consideration of the affairs of India. He had, for a long time, been employed in examining and searching into them; and he knew from experience, that they were at once too extended and too complicated, and had the views, passions, and interests, of too many different men connected and blended with them, to be easily developed or tolerably understood on a sudden.

Lord *North* rose to assure the hon. member, that he had not the most distant wish that the enquiry should be a partial

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one. He considered the subject as extremely important, and he hoped it would be enquired into fairly, seriously, and dispationately.

Mr. *Gregory* said, he was heartily glad to find, late as it was, that the affairs of India were likely to be taken into serious consideration. He wished it had happened to have been the case earlier, because he was convinced, if it had, the late mischiefs would have been much less than unfortunately they had been. In the course of this enquiry, it would be material to know how it happened, after we had driven the French out of India, that Hyder Ally ravaged the Carnatic, and not only broke in upon the possessions of our allies, but upon those of the company, and marched up almost to the very walls of Fort St. George, without any one measure appearing to have been taken by those in power in India, to prevent such a disaster from happening, or to stop the extent of it when it did happen. This was essentially necessary, and he hoped that exemplary punishment would fall upon that man, or those men, who should turn out to be guilty in the particular above stated; if it should be proved that the disasters originated in the rapacity of those in power, they ought to be punished without regard to personal influence, wealth, power, connection, or any other consideration. He concluded with saying, that, late as it was in the season, some ships were just now preparing for their voyage, and their carrying over information to India, that the British legislature had entered upon the serious consideration of the state of that country, and of the causes of the late events there, would, he was persuaded, be attended with the most salutary consequences; he, therefore, for one, was ready to give the measure every assistance in his power; and he pledged himself to do so, and also to take care that all the information which the India House was possessed of, should be laid before the committee, and that if there should be any concealment he would complain to that House.

The order was discharged, and a fresh one made for the House to go into a committee on Wednesday.

Debate on Lord North's Motion for a Committee of Secrecy to enquire into the Causes of the War in the Carnatic.] April 30. Lord *North* rose, and moved, "That a Committee of Secrecy be appointed to enquire into the Causes of the War which now subsists in the Carnatic, and of the present condition of the British possessions in those parts; and to report the same, with their observations thereon." His lordship said, that he had worded this motion as widely as possible, to obviate an objection made against it the other day by gentlemen who wished the inquiry should extend into the presidency of Bengal. Under the general terms he had adopted, it would be competent for the committee to pursue their enquiry through all our settlements in India, if it should be found proper so to do, for ascertaining the causes of Hyder Ally's invasion; and if the Mahratta war had, as was suggested, contributed to that event, it would also come under their consideration; but to include the presidency of Bengal directly in the motion, before it was certainly known whether the mischief originated there or not, would, in his opinion, have unnecessarily impeded the progress of the enquiry, which ought to be conducted with all possible dispatch.

Lord *Newhaven* rose to return the noble lord thanks, for instituting an enquiry at once so just and necessary; and requested to know what powers his lordship intended to invest the committee with; he wished for ample powers; as the enquiry would prove nugatory, if the committee should not receive such powers as would enable them to proceed with efficacy in their pursuit.

Lord *North* said, it was his intention to follow his first motion with another, by which he meant to give the committee all the usual powers of committees; such as calling for papers, examining witnesses, &c. and likewise a new power, which was that of sitting at the India House, if they think proper; this was a power, which, he said, would promote dispatch; as they would be on the spot to read those papers, which otherwise must be copied for the House.

Mr. *T. Townshend* said, that he did not rise to find fault with the motion of the noble lord in the blue ribbon; nor would he agree with the noble lord, his friend, to thank him for the motion, until he saw farther into the design of the noble lord, by the manner in which this committee was formed, and the powers with which it was furnished. It was a business of the utmost importance; and if the enquiry was carried on with steady and determined minds; if no party considerations were

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permitted to have influence; and if no secret management was suffered to intervene, then he should thank the noble lord, and think himself called upon to do so, because then the noble lord would act with wisdom and energy, and do his best to retrieve calamities which perhaps the imbecility or the corruption of his administration had had a very considerable share in bringing about. Without openness, without impartiality, without entering upon it free from all motives of baseness and degeneracy, it would fail of the desired end; it would be a mockery of justice. He observed that a person high in office shook his head at the mention of impartiality. It was an ominous sign; but he yet trusted we meant to make this enquiry a serious one. We had sacrificed enough to patronage and partiality; and the unhappy system of the present ministry had been sufficiently fatal in its consequences in the East, as it had been in the West. He thanked God that no friend of his could be affected by the issue of the present inquiry! He did not mean by this to point out individuals, who possibly might be affected by it: but after having sat so long in that House, he was not to learn that there were a body of men distinguished, and properly so, by the name of "Nabob members," who found particular favour in the eyes of ministers, whatever might be the means by which their fortunes were acquired.—It was observable of those gentlemen, that very soon after they came into the House, a material distinction was made between them and country gentlemen; and, some how or other, decorated with titles or with honour, they were introduced into some share of the administration, they were seen in that House aspiring to honours by servility;—*gaudent prænomine molles auriculæ;* they were observed with their titles and distinguishing appellations thrusting up towards the Treasury-bench, and no men were so obedient, so useful, or so necessary to the minister as they were; the country had to attribute to these men a great share of their calamities in the baneful example which they give of Asiatic luxury and Asiatic corruption. He said it was a circumstance which would hardly be denied, that the support which the Company's servants had received from ministers; the protection they had given them when charged with peculation; and the rewards which they had bestowed on them when convicted of treachery, had been the great means of instigating those servants to go to lengths of abuse unknown in former times, and from which the present calamities had been derived. It was now, then, a duty incumbent on that House to enter on the present enquiry with seriousness and with resolution, that the report might go out to India, and reach the ears of the Company's servants, warning them against future peculation by the prospect and the certainty of parliamentary correction. It was said, and he believed with some truth, that at this moment the nabob of Arcot had between seven and eight members in that House devoted to his service, and who were to support the minister, if the minister befriended him. Was not this a reason for making the present enquiry serious and determined, and not to suffer it to be like all former enquiries, a mere farce, a piece of political intrigue, by which the minister was screened, that he might secure his friends?

Sir *Thomas Rumbold* rose, he said, at that early date after his admission into that House, in consequence of some matters and insinuations that had fallen from the hon. gentleman who spoke last, and which evidently hinted at his situation. In respect to the inquiry proposed by the noble lord, he not only agreed in the propriety of it, but also thought it exceedingly necessary and becoming. The state of our affairs in India were such as to require the serious investigation of parliament, and there was nothing which he more ardently desired than that the whole of this business should be thoroughly and fairly examined. At one time he was afraid that India affairs were not to be taken up in that House at all, and he was sorry that it was now so late in the session; he considered it as necessary that the matter of inquiry should go farther than the immediate object of the disaster in the Carnatic; indeed, in his opinion, it must go farther. The parliamentary agreement with the Company, which had taken place in 1773, ought to be the date from which the inquiry should set out. That contract was avowedly intended as an experiment of regulation and government. It ought to be inquired, whether the plan settled by parliament had been productive of salutary or detrimental effects to the commerce, the revenue, the establishment, and the security, of the Company. The noble lord had declared of that agreement, that he could not answer for the conse-

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quences, but that he meant to try them, and either to repeal, or alter and amend it, just as its operations should turn out. That act had now existed for about eight years, and its effects might be pretty well ascertained, and surely in the present object, it ought to be inquired whether it had tended to conciliate or inflame the powers of India; to restore unanimity or give rise to dissentions. In fact, the present war was connected with the business of this term, and he did not see how it could be possible for the committee to inquire into the causes of this war, and this calamity, without reviewing the conduct of the presidencies during this period, and the effect of the regulations introduced by the last settlement. This scale of inquiry would, he was convinced, have been more likely to produce a good effect than the narrow one marked out by the noble lord; and, indeed, without examining into the history of the wars in the different parts of India for some years past, it would be impossible to come at the true causes of the late disasters in the Carnatic; a matter which he sincerely hoped would be fully gone into, because he knew that the more deeply the matter was probed, the more evident it would appear that his conduct in India, (whence it was well known he had lately returned, after having held a high office there) was justifiable in every part of it.

With respect to the institution of the committee, undoubtedly it would be very unbecoming in him, circumstanced as he was, to be a member of it; and indeed it was a matter which he by no means desired; but though he was aware that a secret committee was better calculated to do business with dispatch and effect than an open one, yet there was something about that word 'secrecy,' which he could not say was perfectly satisfactory to him. In the course of this enquiry it would be found that there was very great intricacy and much labour. It would be difficult, amidst the voluminous masses of papers which they must necessarily have before them, to select such as immediately pointed to the object of the inquiry; it would be difficult for them to call for such by name as directly went to that end; and in the multiplicity of work, and the difficulty, they would have much need of assistance and aid from gentlemen, who, by being in office at the time, and interested in the business, would naturally be more acquainted with those objects. An hon. member of that House, who was in the council of Bengal, and himself, who had been the governor of Madras, might be of essential service to the committee in this respect, and he took the liberty to suggest this to the House, without indeed having consulted the inclination of the other gentlemen, in order that some method might be settled by which this opportunity might be given them. In order to shew the necessity of this matter, he gave an instance, material to himself, in which the council of Bengal had written a letter to that of Madras, on the subject of a treaty which had been entered into with one of the country powers, whose name we do not precisely recollect. In this letter they declare that they had not written to Madras since the 29th of October, 1775, when they directed the council of Madras not to conclude that treaty without farther advice and authority; and that having done so, it was contrary to the laws of the Company, as settled by the last charter. This letter, coming from a council board, entered regularly on the records of the court, could hardly be conceived to be inaccurate with respect to a point of such importance as to the matter of fact; and yet, in truth, that letter, either through the misinformation or negligence of office, or through the hurry and confusion of business, was incorrect; for they had written letters to the council of Madras subsequent to October, 1775, in which they had given express directions for the conclusion of that treaty. This fact would serve to point out to the House the necessity of the assistance which he had mentioned: for it would not readily occur to men who were not immediately concerned in the matter, that there could be so material an error of office as that which he had pointed out. It would, therefore, by such opportunity, be in his power to lead the committee to such papers as would vindicate his character. It was his wish that every part of his conduct, as governor of Madras, should be fully gone into. He only desired to have a fair trial; for in his government it had been throughout his study and his wish to pursue the interests of the Company, and to follow the rules and orders prescribed for the servants. But it was suggested by the hon. gentleman who spoke last, that there were nabob members in that House, who having made immense fortunes by peculation, were patronised by the minister, protected and aggrandised. For

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his own part, he would readily declare that there never was a moment at which he so much desired, or could desire, to have a seat in that House as the present. The House could be at no loss to divine his motives. He was anxious to meet inquiry, from the conviction that a man could always best explain his own case himself, especially when it was full of the intricacies that his must necessarily be. He did assure the hon. gentleman, that he had too just an idea of the weakness of his talents, to fancy that they could give him any importance in that House. The vote of one man, or even of two, could not possibly give him much interest, or even claim the favour of a smile, or a whisper, from the minister. He had only seen him once since his arrival from India, and then he had addressed him in this manner: "My lord, I desire no other than a fair opportunity of vindicating my conduct and character; and that when I shall have the happiness of ascertaining my innocence, I may have the honour of your protection, and that you will not suffer me to be sacrificed to party." This was the language which he had held, and this was the reason which had made him anxious for a seat in that House. The House were not to learn, that there had been a great deal of invective and calumny in circulation, by which prejudices were conveyed to the minds of the public, and much misrepresentation had gone abroad. It had been but too long and too fatally the system of Indian management. It was a traffic to which, however, he had never had the meanness to descend. The time that he entered on his government was very well calculated for the exercise of the pen; there was sufficient room for libel and slander; but he had scorned the contemptible practice. He had disdained the reputation which was to be supported or advanced by throwing obloquy upon others. He wished only for opportunity and candour in this House, in the court of proprietors, or in the courts below; he desired to meet inquiry and court trial with openness and with confidence; and he exceedingly desired, that in this committee the opportunity might be given him, which he had pointed out as necessary and proper.

Mr. *Gregory* expressed his satisfaction, that the present inquiry was to come on, and trusted that it would not be a mockery of justice, or mixed with party interests and friendships, to the insult and injury of the Company and of the kingdom. It was true that the business would be very intricate and complex. There would be occasion for many volumes of papers; and as to the fear expressed by the hon. gentleman who spoke last, that the committee would not be furnished with the proper papers, he would make it his study to watch with a narrow eye, that no concealments might be made, and no papers or information denied, that might be necessary or useful in the prosecution of the inquiry. He pledged himself to the House, that if any such circumstance should occur, he would move in his place for the most exemplary punishment that could be inflicted on the man, or set of men, that should be guilty of this offence; and he called upon the House to assist and support him in this task.

Sir *Thomas Rumbold* rose to explain what he had before said. The hon. gentleman had entirely misconceived him; he had not suspected that any papers would be withheld from the committee, but had merely spoken of the difficulty of the committee knowing what papers were necessary, and what not. For instance, the papers of the Madras government, during his having the honour to preside there, were so extremely voluminous, that the committee might search for five months after a particular passage; whereas if he was present, from knowing them perfectly, he could point it out to the committee in five minutes.

Mr. *Burke* urged the propriety of rendering the committee open, instead of secret. The hon. baronet had desired a very proper and fit thing, the opportunity of vindicating his character from charge and aspersion. By making it a committee of selection, instead of a committee of secresy, that opportunity might be given; and by his attendance, and the attendance of other hon. gentlemen, the most advantageous assistance would result to the committee, in pointing out to them such papers as were material. The hon. baronet would be of great service to the committee, by attending in this manner; at the same time, that on account of his peculiar circumstances, he would be very improper to sit as a member of it; and he was himself convinced of this truth. It was in the nature of a judicial inquiry; and being a judicial inquiry, it ought to be open, unless they intended it to be a mockery of justice, instituted to quiet the murmurs of the moment; to be begun with heat, and

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broken off with haste. 'Opere in medio 'defixa relinquit aratra.' In this inquiry, the fortunes, the lives, of many individuals, were at stake; and it was a principle of the law and the justice of Great Britain, that her judicial proceedings should be conducted in the face of day. It would be an imputation upon the country, if public punishment, or even public acquittal, should follow private trial. It left suspicions of guilt upon the man that was innocent, as it gave room to jealous conclusions of innocence on a verdict of guilt. It was always the nature of secrecy to inspire suspicion: and it was the virtue, the glory of the British law, the cause for which it was venerated and applauded among nations, that it was administered in public. That which threw imputation and obloquy upon the judicial trials of despotic states was, that their trials were secret, that they were kept concealed from the investigating world, by which their partiality and their injustice might be covered; by which they might favour without detection, or deviate with impunity. What was it that made the Spanish inquisition so detestable? Not the principles of the institution, for they were founded in many instances in substantial justice, and in admirable policy; but the conduct of the court rendered it abhorrent to nations; the secrecy of their proceedings poisoned the justice, and bred suspicions in the minds of men, which neither their purity nor their impartiality could wipe away. The general argument against their tribunal was simply this, that men could not know whether they condemned with justice, or acquitted with honour.

Perhaps it might be said, that in the present case the publicity of the enquiry might lead to disclosures, of which the enemies might avail themselves to our disadvantage. This was a sentiment founded in error. No such consequences could arise. It was not in the nature of things that secrets could arise, of which the enemy were not already in the possession, or if they were not, from the circumstances of the situation, they could be of no service to them; since by this time the struggle must be decided, or at least the posture of affairs so changed, as to render those secrets insignificant. Secrets of inefficacy, of treachery, or of corruption, were the bane of governments. He never knew of a state that had been ruined by the openness of its system; by its readiness to search into its distempers, and to lay bare its wounds; but he had heard and read of many that had been ruined by the timorous secrecy of their proceedings, by the concealments which they observed in their inferior branches and dependencies; by which corruption and disease were suffered to gather head, until, when they burst into eruptions, they were too formidable for remedy, and withstood all the powers of physic. Such was always the effect of jealous and timid secrecy in the system of government; and nothing could tend so much to the confirmation of calamity as a timid concealment of its existence.

Make, said he, your enquiry open, full, comprehensive, and public, and what would be the consequences? You would give consequence to the states that surround you in India; you would teach them to look to Great Britain with a degree of preference and respect, and shew them, that, from no neighbour, and from no power, they could expect such equal justice, and such permanent security, as will flow from you. What has been the cause of all your disasters, but the secrecy which has been observed in those enquiries? What is it that has alienated the affections of surrounding nations, and made the name of England hateful in the East, from Mount Caucasus to Cape Cormorin? What, but the protection which has been given to delinquents, the blindness which has subsisted in the state, and the license that has consequently been taken by the servants of the Company to invade property, to be rapacious of dominion, to violate treaties, to outrage neighbourhood, to sacrifice faith, and to make enemies on every hand? It is this that has forced those nations to consider every state as their friend, that would take them under their protection instead of you. They have also considered the most despotic empires as more liberal than Britain. Reform, then, your principle, since it is founded in vice, and productive of calamity. Establish a generous principle in its room, of fair, and full, and public justice. Shew them that you are determined to become the protectors, not the oppressors, of the country. That you wish to hold your authority on the solid rock of their happiness. Consider that there are 30 millions of souls involved in this affair; and as you cannot maintain your government by mere power, study to preserve it by policy. Let there be no private busi-

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ness nor private interests to interfere in this enquiry; no one set of men to protect and save; no other to harass and destroy. Let it not be confined to the mere disaster in the Carnatic; nor limit your investigation to points so little in the important whole of the business; to the defence of a pass; to the weakness of one place, and the quantity of stores in another. These are the mere pustules, the eruptions on the skin, and while you are intent on the examination of these, you neglect the real seat of the disease, which is in the blood, from the corruption of which these appearances have their rise. The wisdom of government ought to be applied and exerted, not so much to the cure as to the prevention of the disease. It ought to have the sense and the penetration to anticipate consequences in their causes;—to see them in their approach, and to ward off, by seasonable preventives, the impending blow. This is the true duty as well as the virtue of government; and it is in the exercise of this salutary wisdom that it is able to give security and happiness to the governed. Let us then, in this enquiry, go into the whole of this important business. Let nothing be concealed; but let us trace the conduct of those subordinate governments from the date of the last charter to the present hour: and let us enter on this enquiry with a determined spirit to screen no delinquent from punishment, however high; to persecute no innocent man, however unfortunate. What will be the consequences of this conduct? You will re-unite the nations that surround you in bonds of trust and friendship. You will shew your own servants that nothing but the faithful discharge of their duty can recommend them to reward, or secure to them the enjoyment of the fortunes they may acquire. You will teach the people that live under you, that it is their interest to be your subjects; and that, instead of courting the French, the Dutch, the Danes, or any other state under Heaven, to protect them, they ought only to be anxious to preserve their connection with you; because, from you only they had to expect public proceeding, public trial, public justice. Do this, and you give a necessary example to your servants; you give happiness to your subjects; you give confidence to your neighbours: you give despair to your enemies. Europe would stand astonished and awed by your conduct. They would see a system of government formidable from its purity, permanent from its use. In all justice, as in all government, the best and surest test of excellence, is the publicity of its administration; for, wherever there is secrecy, there is implied injustice. When the eyes of men went along with the judge, when they could see and investigate the procedure, then the justice was complete. Even in the awful judgment of the world, at the last day, we are taught, in the Scriptures, that God will condescend to manifest his ways to man. His judgment will be public. What, then! shall poor, finite, limited man, incumbered with passions and prejudices, presume to judge in secret of man, when his Almighty Parent declares that even his ways shall be public and open! We are called upon by every argument of morality and of policy, by every precept of religion and of duty, to make that justice, which we reverence, as public as the noon-day sun. It has been the sentiment and the sense of all ages. "Let me fight with Jupiter," says Ajax, "but give me day-light." Let me have condemnation or let me have acquittal in the face of day. The acquittal that is secret cannot be honourable; it leaves a stain even upon innocence. The condemnation that is secret cannot be just; it leaves a prejudice in favour of the criminal injurious to the tribunal by whom he was tried. The members of this committee must be pained at the idea of their being forced to sit in judgment, and to acquit or condemn in private. He had been for some weeks engaged in a committee up stairs, which was open; and it had been the greatest consolation to his mind that it was so; since in judging of the conduct of the judges in India, he knew that he was acting in the face of men, and that his behaviour was known to the world. But what must have been his disquietude and anxiety if he had been appointed by that House to judge and determine in the dark? At the same time the very secrecy itself would be destroyed in the end; for in case of a report being made by this committee, which should induce the House to charge members of that House with high crimes and misdemeanors, and impeach them before the Lords, or move an address for their trial in the courts below, the House would think it necessary, before their agreement with such a report, to call for all the proceedings of that committee, and conse-

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quently all the secrets must come out. There, therefore, could be no reason for a committee of secrecy; a committee of selection it ought to be, and such he most earnestly recommended to the noble lord; and called upon him, by every argument of policy and prudence, of liberality and of justice, to adopt the latter.

Mr. *Jenkinson* contended, the hon. gentleman had mistaken the object of the proposed enquiry; for it was not a judicial one: it was not meant that the committee should decide on the conduct of any man, much less proceed to punish; their business would be simply to report facts, without giving any opinion upon them; and if those facts should appear to the House as grounds of accusation against any individual, he would then have an opportunity of defending himself, and the proceedings against him would be public. It would even be the duty of the members, when they went into this committee, to presume that no man was guilty, and through the whole of their proceedings to confine themselves simply to facts. As to what the hon. gentleman said, in respect to proceedings in the dark, could not be applicable to this committee, for their proceedings would all come out in the end, if any suspicion should arise to induce the House to call for their minutes; therefore, the hon. gentleman's objection to secrecy was removed; and as unquestionably a committee of the nature proposed, could proceed with greater dispatch than any other, it was evidently on that account to be preferred.

Mr. *Fox* said, that if he had any doubts before, whether his hon. friend was right in opposing a committee of secrecy, those doubts must have been removed by the hon. gentleman who spoke last; it clearly appearing that the very nature and duty of the proposed inquiry had been entirely misunderstood, and consequently the execution of it was not likely to prove very satisfactory, if it was not under the controul of the public eye. The hon. gentleman had said that the committee was only to report facts; very true; but those facts, it should be remembered, were causes. The motion said that the causes of the war in the Carnatic were to be inquired into; now in stating facts of that kind, it was rather difficult not to give an opinion along with them. If the noble lord would consent to an inquiry he had talked of the other day, into the causes of the American war, and would let him have the naming of the secret committee, as his lordship would no doubt have of that now in question, he would undertake that nothing should be reported but facts in the hon. gentleman's acceptation of them: and yet the noble lord would not be inclined to have them received for such, he would rather call them mere opinions; for instance, perhaps they might report that the causes of the American war were the influence of the crown and the corruption of parliament: or perhaps the obstinacy, the impotence, or the treachery, of ministers. In that case, his lordship and the hon. gentleman would both be inclined to think the committee had given along with the facts they were to inquire about, opinion and accusation too. It was true, indeed, if the proposed committee should judge of causes as the noble lord, in his simple and ingenious stile of reasoning, sometimes did; nothing but facts would, in all probability, be reported, for they would only inform the House that Hyder Ally was the cause of Hyder Ally's invasion.

The hon. gentleman had said that the committee was to presume that nobody was guilty; a very strange presumption indeed that would be; our settlements in the East Indies were reduced from a most glorious style of prosperity, almost to ruin, and yet nobody was in fault! Natural causes only had produced such melancholy effects. This was an idea he was not surprised to find entertained and professed by the hon. gentleman, for it was evidently his interest, and that of his colleagues in administration, to make the world believe if possible that a mighty empire might be torn to pieces and ruined, yet nobody be in fault; this was peculiarly their interest to day, when it must be remembered that in the last week this country met the completion of her disgrace; that the last Tuesday's Gazette proclaimed our degradation to the world.

[Here the House appeared astonished, and anxious to hear the hon. member explain himself.] He took notice of this, and said, he alluded to the prohibition of our fleets to attack the French in the Baltic. He declared that the proclamation, contained in the Gazette of Tuesday sevennight, did absolutely abandon the great boast and pride of the nation, the empire of the seas. It gave up not only all claim to the pretended sovereignty which we enjoyed, but also in part acknowledged a superior power in a particular sea. This

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he considered as the death-stroke of our naval grandeur and importance. From that moment we became an humbled and circumscribed empire. In that proclamation our ships of war are directed not to fight with any of our enemies in the Baltic. Whatever may be the provocation, whatever may be the danger or the necessity, they must not dare to fight in that sea, because it is disagreeable to the empress of Russia. We are the only state, of all those that are at war, who have condescended, or who have been forced, to make this submission. Upon this a whisper went round the Treasury-bench, which Mr. Fox observing, declared they were inquiring for the contents of the Gazette. It was rather extraordinary that ministers did not know what was published by their own authority; but, from the complection of Gazettes, he concluded it was a paper too libellous and calumnious for their reading; and, therefore, gentlemen did not take it in, or know any thing about it.

He must now take notice of something that fell from an hon. gentleman who spoke early in the debate, concerning his motive in coming into parliament; they were undoubtedly very fair and honourable ones; but he was a little mistaken, in supposing, that the noble lord thought nothing of a single vote. To convince the hon. gentleman of this, he would tell him an anecdote of a secret committee, something similar to that now proposed, of which he had the honour to be a member. He said, he had eight years ago not been a little concerned in business of somewhat a similar nature to what would now be the object of inquiry; and that in the debates upon the supposed wealth of a noble lord, now no more, the late lord Clive, that noble lord was accused of peculation. At that time from the inquiry, he, for one, was induced to think that the noble lord had possessed himself of 260,000*l.* in an improper manner, and that he ought to refund it. In this opinion he was strenuously supported by the noble lord in the blue ribbon, and another person, whose situation at the time made his conduct particularly laudable and becoming, (the person he alluded to was the present Lord Chancellor, who was, in 1773, Attorney General); he was supported also by the present Speaker; and yet with all the weight and power of this assistance, the noble lord, who was accused, found means to render their endeavours to make him an example fruitless; and what was still more extraordinary, the very same lord of the Treasury, who had joined him in endeavouring to obtain justice against lord Clive, in a very short time afterwards raised that noble lord to one of the highest confidential honours the crown could bestow, by appointing him lord lieutenant of a county; and lord Clive, who had, for a long time before, been in the habit of opposing administration, voted with them, and brought all his connections with him, to vote for them ever afterwards. After stating these facts, Mr. Fox was wonderfully pleasant on lord Clive's joining administration, declaring, that he could account for it no other way, than by supposing that it arose from that noble lord's pity for a ministry, which he saw was so extremely weak, that it could not even carry a question of justice against him; and, therefore, he threw the weight of his influence, and all the support he could give into its scale, with a view to strengthen it.

The above inquiry furnished also a very convincing proof of the inefficacy of inquiring in that House when his Majesty's ministers intended it to be a mockery of justice. They began it with the view of imposing on the people, while they were secretly employed in screening and protecting the men whom they publicly blamed. Such would always be the nature and the end of inquiries when they were conducted with secrecy. He, therefore, most earnestly recommended a select committee as the only means by which substantial justice could be obtained, and by which the affairs of this country in India could be in any degree restored to their former state.

General *Smith* said, that he believed the state of our affairs was such in that quarter of the world, that the noble lord must not dare to trifle and sport with the public. We were now in the very last crisis of our fate, and the existence of our territories in the East must depend on the spirit and the policy of the measures which were now to be pursued. It was for this reason that he wished to see the inquiry extended to the Mahratta war, and to all the conduct of the presidencies since the establishment of the last regulations.

Mr. *Dempster* rejoiced at the approaching inquiry, but recommended it to the noble lord not to make a bargain with the Company for the renewal of their charter for any length of time just at this crisis, which he described as a most unfit season for it, but to continue the exclusive trade

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for another year by a short Bill. He said, the territorial possessions of the Company, as well in the North as in the South, tottered to their foundations just now; it would be equally injurious to the public and the Company, therefore, to demand a large sum of money from them, while the state of their affairs was so unsettled.

Lord *North* rose to reply to Mr. Fox. His lordship began by saying, that if the committee should find upon inquiry that the war in the Carnatic was owing to the rapacity of Hyder Ally, or the avarice of any of the Company's servants, they would undoubtedly say so; but if they were to mix opinion with their report; if they were to go farther, and enter into an investigation and arraignment of the conduct of particular persons, they would exceed the powers given them by his motion: all that he conceived to be their duty, was, to report that they had examined such and such witnesses, read such and such papers, treaties, &c. and so on; and upon that report it would be the business of the House to proceed; therefore, he could not agree that they were to report opinions. With regard to the secresy of the committee, he repeated it, that the only reason for his wishing the committee to be a secret one was, that he conceived the business might be done with much greater dispatch, and the reason why he had not extended his motion, in the manner the hon. gentleman, who spoke last but one, had stated, was, because he wished to point the inquiry at so much and no more of the affairs of India as would justify a reasonable hope that it might be completed and reported in a moderate compass of time; it was not that he did not think the affairs of any other district of India besides the Carnatic worthy of notice; on the contrary, he thought the affairs of the Bengal government and of every other part of India called for inquiry, but he meant to take them up one by one, for the sake of greater ease and accuracy; and, considering the importance of the late transactions in the Carnatic, that district offered itself as the first and fittest ground of inquiry. With regard to what the hon. gentleman who spoke last had stated, as to this being an improper time to make a new bargain with the Company, he could not help differing in opinion. Undoubtedly it was an improper time to expect a large fine as the price of the renewal of the charter; but he conceived it would be of essential service that it should be known abroad, that matters were settled in a more permanent manner between the Company and government than by a short bill, from year to year only. In answer to what Mr. Fox had said about the Gazette and the proclamation, inserted last Tuesday, his lordship declared, the northern powers had long since publicly asserted their resolution to preserve the peace of the Baltic, and that this nation had been materially benefitted by their adopting that measure. The preservation of our own interests, therefore, required, that we should prevent the violence, imprudence, or rapacity of the captain of any privateer, or letter of marque, from violating the resolution of the northern powers. As to the hon. gentleman's charges against the Gazette, as a paper not to be depended upon, he defied the hon. gentleman, or any person, to prove that government had at any time published what was untrue in the Gazette; extracts of letters they had given; but every gentleman must be aware, that during a war, extracts only could be printed of several of the letters received from his Majesty's officers commanding abroad.

Mr. *Fox* ordered the motion to be read; it turned out that they were not only "to inquire into the causes of the present war," but also directed, in the conclusion, "to report their observations upon it." The hon. gentleman ridiculed the noble lord for not understanding the motion which he had made; and for saying that men could ascertain the causes of the war without exercising an opinion. He concluded, with moving an amendment, by leaving out the words "of secresy."

Mr. *Burke* seconded the motion. He said, that now the noble lord understood his case, he would certainly comply. He had been like a lawyer, he had spoken from a brief which he had not previously perused. It was often his misfortune to be obliged to defend measures which he did not advise; but now the appeal was made from Philip sleeping to Philip awake, he trusted he would adopt the amendment. The noble lord, he said, proved the necessity of abandoning a committee of secrecy, and proposing one that should act under the inspection of others; for as he had misreported his own motion, how could he, if he should be one of the committee, fairly report their proceedings? In short, the predicament into which he had brought himself was this; he had attempted to impose upon the House, and on the world, a

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mode of inquiry by which there would be a mockery of justice; and when the fallacy of this was detected and exposed, he flew to subterfuge, and endeavoured to misrepresent what he could no longer maintain. Such, he said, would always be the wretched resource of weak art.

Mr. *Strachey* said, he must take the liberty to say a few words, in consequence of an assertion which had fallen from an hon. gentleman (Mr. Fox); an assertion made with great inaccuracy, and, he thought, with more illiberality; for he had asserted, that the select committee, which sat eight years ago upon India affairs, had accused the late lord Clive of peculation; whereas the fact was, the committee made no such accusation, nor could they, for the power was not given to them; they had not power to report even an opinion to the House; some members of that committee had, indeed, in their declamations, accused the noble lord of peculation; the committee itself never did; the committee thought proper to inquire into the fortunes acquired by individuals in India, they inquired into the noble lord's acquisitions; and in order to obtain the knowledge of them, put the question to himself: his fortune had been honourably acquired, and was openly avowed; he scrupled not to declare the amount to the committee: after the committee had closed their proceedings, and reported them to the House, the chairman of that committee (general Burgoyne) proposed to the House a resolution, levelled at lord Clive, and which was intended to be followed with censure and confiscation of property. But he was defeated in the attempt, and the House with great honour to lord Clive, and perhaps with greater honour to themselves, passed a resolution, declaring, that at the time he acquired his fortune, he had performed "great and meritorious service to his country."

Mr. *Fox* said, that he had not in what he had said endeavoured or meant to throw any reflection on the memory of lord Clive. He had not said that the noble lord was convicted of peculation by the House of Commons. He had barely stated a fact, that the committee appointed to inquire into his conduct made a report to the House, by which he was said to have acquired a fortune of more than 260,000*l.* contrary to the laws of the Company; and they ordered their chairman to move a question of censure; to which question of censure the minister pretended to give his consent, but the minister's friends were of a different opinion, and a question of praise was substituted in its stead. This was the fact which he had stated, and had accompanied it with another, which was, that after having approved of the motion of censure, the minister had bestowed upon lord Clive one of the most ancient dignities in this country.

General *Burgoyne* also rose, he said, in consequence of the insinuation contained in the hon. gentleman's speech, which meant to imply that he had, as chairman of that committee, made a motion, in which he was not warranted by report, or by the sense of the committee. If this was what the hon. gentleman wished to infer, he must inform him that he had hazarded an assertion in which he was unfounded. He had, as chairman of that committee, followed their express directions; and those directions were given in the regular mode and practice of committees acting under the orders of that House.

The House divided on the amendment. Yeas 80; Noes 134. The original motion was then carried without a division.

Debate on Sir George Savile's Motion respecting the Petition of the Delegated Counties for a Redress of Grievances.] May 8. Sir *George Savile* rose, in conformity to the notice he had given, to move, that the petition presented by his colleague, on the 2nd of April (see p. 98) signed by thirty two names of respectable gentlemen, complaining of certain grievances therein alledged, and praying relief, might be referred to a committee; but before he offered his motion, he said it would necessarily be expected that he should say something on the subject. In the first place, then, as the petition had been full five weeks on the table, he hoped gentlemen would not think he was extremely impatient, by desiring that something farther might now be done respecting it. As leave had been given to bring up the petition, and it had been ordered to lie on the table, he was at liberty to suppose that its object was approved of. After stating the objects of the Petition, he said, that a petition, exactly similar in all its principal allegations, he had the honour of presenting from the county of York last year, when the House had been pleased, in some sort, to acknowledge the truth of the contents, and had come to the resolutions upon it, which were entered upon the

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Journals, and were alluded to in the present petition. It would be right, therefore, to see if any thing had happened since, to render the present petition not worthy the attention of the House: he would take a kind of negative ground, if he might be allowed the expression, and reply to such reasonings as might be used against the consideration of the petition. First, then, it might be said, that the economy, which was the object of the petition, was not now so necessary as it was last year. Have you, then, got rid of any of your enemies? said he. Have you paid any of your debts? Have you been able to borrow money at lower interests than usual? If the contrary of this be the truth, the same necessity for economy exists that ever existed. The great supplies of the year proved the expence of the war; and the charge of profusion was confirmed by the shameful terms of the late loan, where a million was squandered, for no purpose but that of corrupt influence. These terms were scandalously improvident; and perhaps they were made improvident, only that the members of that House might be induced to continue the war, and grant the most unheard of supplies. The extravagance of the loan would appear manifest by a comparison with the loans made by the India Company; they borrowed money at 4 per cent. while the public gave 9; and India bonds bore a premium, while navy bills were subject to a discount of 12 per cent. The House, however, had approved these terms; or rather they had passed them; because it was impossible that they could approve a bargain that seemed to be founded on infamy and iniquity: but the noble lord had left the House no choice; he said the terms were bad; but he could get no better: the House, therefore, was reduced to the sad alternative, either of abandoning the public in the moment of war; or agreeing to the most infamous terms on which a loan had ever been founded.

With regard to the influence of the crown, which the last parliament had resolved, to have increased and to be increasing, was that diminished? Most certainly it was not. He believed, on the contrary, it was so much increased, that there was not even virtue enough in that House to come to the resolution of their immediate predecessor. Every division in that House shewed that the new parliament had given the minister new strength. The complaints of the people then were the same now as before. The minister himself confessed but the day before that the burdens of the people were increased; for he admitted, that the extraordinaries of the army had swelled in an extravagant degree. But had any step been taken to redress the grievances of the people, so as to alter their situation from what it was the year before? The only thing that he knew of was, the commission of accounts, and that, though he did not mean to detract from the merit of the present commissioners, had been managed, by the noble lord in the blue ribbon, in a way that was liable to much objection. An hon. friend of his had, upon repeated experience of the perplexing and unsatisfactory accounts of the extraordinaries of the army, and of various branches of the public expenditure, proposed a commission of accounts, but undoubtedly he did not mean to part with the best and most essential privileges of parliament; his hon. friend meant a committee of members of that House, who would have had the power, when they had investigated the public accounts, to have instantly rendered their enquiry effectual, by moving such measures as the result of their investigation might render necessary. The noble lord in the blue ribbon had thought proper to take the Bill out of the hands of his hon. friend, and had not only nominated his own commissioners, but had given them a salary of 1,000*l.* a year each; so that instead of lessening the number of placemen, and diminishing the public expence, as the petitions of the people had requested, the noble lord had added to both. Being told by colonel Barré, that the commissioners had no salary, sir George corrected himself, and said, he understood he was mistaken. The commissioners had no salary! He was glad he was set right, for he had much rather at any time go but half way in his argument than over-state any particular fact. But what had the commissioners done? They had gone into an enquiry as to the public money remaining in the hands of several public accomptants, and after ascertaining what the several sums amounted to, and in whose hands they were lodged, had reported the same to the House. What was there in all this, which a committee of members of the House, assembled in one of the rooms above stairs, was not equally competent to with the present commissioners? Or why might not any four idle lords of the

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Treasury have done the business? The Treasury board was paid for the especial purpose of managing and superintending the public expenditure: but perhaps some of the lords considered the first lord as the only acting officer, and regarded their own places as so many comfortable sinecures. This was a sufficient proof that the influence of the crown was excessive; for without superior influence it was impossible that parliament could consent to vote away its own prerogatives. All the other subjects of complaint remained as before. Were the extravagant emoluments of office retrenched? Were the pensions and the sinecures of government curtailed? Was there in any one department of state, system, regularity, or economy introduced? No: all these grievances remained as before, and parliament were called upon as forcibly now as they were before to redress them.

The petition of the freeholders was, he said, lying on the table: it was now the business of the House to take it into consideration: if it was originally the intention of government to reject it, they ought to have opposed its introduction; to reject it now, after having admitted it, would be a mockery of the people; and he advised gentlemen to beware how they attempted to mock the public voice and sport with the calamities of the nation. They should remember that government was made for the good of the governed; and, if the origin of the establishment should be forgotten or overturned, the natural consequence would be, what it was totally unnecessary for him to describe. This would be the last petition that would be presented to that House from the people. They would observe a sullen silence. You allow them to bring up their petitions. O, yes! you allow your friend to send you a letter, complaining of some injury, or imploring your assistance under some difficulty, but you take care not to open it. You set before your guests very wholesome and delicate dishes; but tell them at the same time that they shall not taste a bit of them. Sir George hoped this parliament would not contradict the solemn affirmations of the last. But why should I hope this, continued he; the last parliament were delirious; they were in a phrenzy: that is the language of this day. When members of parliament act under the immediate influence of their constituents, as they did in the last session of parliament, they are thought mad. Sir George wished to see this night symptoms in the House of such madness. He then moved, that the petition might be read; which having been done, he moved that it should be then referred to a committee of the whole House.

Mr. *Dunning* rose barely to second the motion, and said, that he would not then enter into the merits of the petition, but would reserve himself to answer such arguments as gentlemen on the other side might urge against it.

Mr. *Duncombe* declared that the duty he owed to his constituents would not permit him to rest satisfied with giving a silent vote on so important an occasion. He was convinced, that the great majority, if not all, of his constituents were anxious for the fate of this petition; and that it spoke also the general sense of the people without doors. The public calamities were so great, that they had driven the people to parliament to petition for relief; and to refuse that relief, and the redress of grievances that was prayed for, would be at once cruel and impolitic. The people complained of the influence of the crown and the expences of the war; and the relief and consolation they felt was to see the names of their representatives in the list of subscribers to an improvident and ruinous loan! He argued, that there was still a greater reason for public economy this year than there was the last, since the burthens on the people had so considerably increased. He drew a parallel between the ministers of France and England, which was by no means flattering to the latter. Though armed with all the force and weight of arbitrary power, they did not think of plundering their master's subjects by infamous loans, and crushing them with new taxes: on the contrary, they made it their study to spare the people as much as they could; and by economy in every department, made them as little sensible as possible that they were engaged in war. Our ministers, on the other hand, had acquired arbitrary power, by means of the influence of the crown; and the use they made of it was to oppress and ruin their fellow subjects. To this influence he was an enemy, and consequently he would give his best support to every measure that could in any wise tend to its diminution.

Mr. *F. Honeywood* concurred in opinion with the last speaker; and he did so the more readily, as he knew he was speaking the language of his constituents.

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In the last parliament two petitions had been presented to that House from the county that he had the honour to represent (Kent.) The subscribers to these two petitions disagreed upon one point relative to associations; but there was but one opinion among them with respect to the resolution of petitioning parliament for the reduction of the influence of the crown, and the introduction of œconomy into all the departments of government: it was therefore with singular pleasure, he would support any measures that had these two objects in view, because his own opinion coincided with that of his constituents.

Mr. *Rawlinson* declared he did not consider himself as in any degree bound to abide by the resolutions of another parliament. He was not a member of it, and he was neither bound nor biassed by their conduct. He was a young member, and could not be supposed to be much acquainted with the rules and orders of the House; but he believed it was unparliamentary to bring the former resolutions of the House as arguments for the subsequent conduct. Their opinions would naturally change with the change of circumstances. He expressed his surprise, that a petition signed by only 32 persons should be held in as respectable a light as if it had been signed by thousands; and that it should be supposed to convey the sentiments of all the people of England. These 32 petitioners, however respectable, were but 32 in number; and he would never consent for one, that they should be called the people of England. But, said he, it may be urged that though they are but 32 in number, they stand delegated by several counties in England. If that is the point of view in which I am to see them, I will not hesitate a moment to reject their petition; because I know of no such body of men in our constitution as county-delegates, except those whom I see within those walls. If, therefore, they appear as delegates, I know them not: I consider all delegation out of this House as unconstitutional and illegal; the only view of such sort of delegation can be to form a body to awe and controul the legislature. If, as individual freeholders, they are not the people of England's representatives; consequently, in either case, I must vote for the rejection of the petition. And, indeed, it is clear, that the petitioners themselves were aware of the objections that might be started to the prayer of their petition, in either of the two described capacities; and, therefore, they did not dare to appear before the House as delegates; but they got their friends nevertheless to represent them as such in their speeches.

Sir *Horace Mann*, alluding to the petitions from Kent, said, that one of them had originated with him, and that he advised it, merely because he disapproved of every idea of associating, forming committees of correspondence, or holding any language to parliament, which he thought it would be improper for them to listen to. He was an enemy to influence, and a friend to œconomy; and there was not a man who would more readily concur in any reasonable and legal measure to check the former and promote the latter. But he had opposed, within those walls and without, every attempt to form associations and committees, which he held to be both dangerous and illegal. It was true, indeed, that the names subscribed to the petition then before the House, were set down simply as the names of individuals in their own private capacity; but still every one knew, that however respectable they were in that capacity, they were nevertheless the delegates of the counties in which they were freeholders; and therefore as he could not separate in the present instance the idea of the delegate from that of the individual, he was determined to oppose the motion made by the hon. baronet, though he would be ready to second him in any proposition he should make of himself, as a member of parliament, for checking the influence of the crown, and introducing a system of œconomy in the expenditure of the public money; for their sentiments, on most political subjects, he believed to be the same; but associations and committees of correspondence he had disapproved last year, and now disapproved. Every scheme for reformation should originate in that House, which contained the only true delegates of the people. The petition before them came in a very questionable shape. He was for reprobating it, and treating it with the contempt it deserved. He exhorted them to maintain the dignity of the House with firmness.

Colonel *Roberts* opposed referring the petition to a committee. He reprobated the idea because he considered the whole measure but as a factious attempt to revive dissentions among the people at a time when unanimity was so requisite.

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The petition was signed by men who had notoriously assumed the unconstitutional character of delegates and committee men, and who had assembled in that character more than once, and come to various resolutions, which they published in the newspapers; the whole of which proceedings appeared to him to be founded in a design to awe and controul parliament. He said farther, that exclusive of his objection to the signatures, which objection he begged to be understood, went only to the gentlemen being delegates, and not to them individually, or as members of that House, (in both which capacities he knew them to be men of honour and abilities,) he could not admit that the assertions of the petition were either fairly stated, or true in fact; for what did the petition assert? That the crown had acquired a great and unconstitutional influence, which if not checked might prove fatal to the liberties of this country. The whole of this declaration was unfair; because though the influence of the crown was increased, it did not follow that if not checked it would soon prove fatal to the liberties of this country. The increase of the influence of the crown, was nothing more than that unavoidable increase, which the war occasioned, and which would exist not a moment longer than while the war existed. The expences of the war were said to be exorbitant; undoubtedly they were large; but could any gentleman who had signed the petition suggest a means of carrying on the war with more œconomy? Before they complained of the public money having been improvidently squandered, they ought to have shewn in what manner the public expenditure could be carried on with more œconomy. It was evident that the enormous expence of the war did not arise from the prodigality of ministers, from the zeal with which the noble lord in the blue ribbon had prosecuted his proposed commission of accompts, and his having declared not only his intention to move for leave to bring in a Bill to continue that commission for another year, but that he should insert a clause in that Bill, pointing out the extraordinaries of the army as a special object of the commissioners' examination and enquiry. This was not only a reply to the petition, by being a compliance with part of its prayer, but an unanswerable proof of the integrity of the noble lord and of his earnest wish to act with as much œconomy as possible. So far from the assertions, that the increased influence of the crown would soon prove fatal to the liberties of this country, and that the public money was improvidently squandered, being true, the very reverse was the fact.

General *Burgoyne*, after what had fallen from the hon. baronet who spoke the last but one, rose to take his share of the imputed censure. Waving all disputes concerning an original contract between king and people, he thought himself warranted to affirm, that government was made for the governed, and not the governed for the governor. There was evidently a supposable case in which resistance to the supreme power was lawful, being necessary. That case had existed in times when the incroachments of the crown were avowed and open; but now the strides of the crown towards absolute power were secret. The case complained of in the petition was a new case; and the only point to be considered was, whether the delegates believed, in their consciences, that in forwarding the scheme of associations they were doing their duty. He had signed the petition, and he thought and felt that he had acted in the business as became a free citizen; in coming to parliament he had exercised that right which every citizen enjoyed and valued; that of petitioning parliament for a redress of grievances. The objection to the petition, from the circumstance of so few having signed it, was frivolous. Gentlemen knew that thousands would have signed it with pleasure. He took notice of the miserable state of the kingdom in general, and particularly of our humiliation at sea. We were obliged to cross the Channel under the protection of the emperor's flag: to such a low ebb was our fleet reduced, formerly the mistress of the ocean; and to this miserable pitch were we reduced in pursuing a phantom in America. The general said, that from the furnishing of naval stores, to that of wheel-barrows, there was a gradation of contractors at the nod of government; that the means of influence possessed by the crown were immense; that there was not any men in that House who would not be purchased, if he was willing to be sold to ministry. The grace of God was absolutely necessary to preserve the minds of the most affluent in their circumstances, and independent in their fortunes, from servilely cringing to ministers. It was in vain, he said, to argue in that House when argu-

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ment was drowned in numbers, bought and retained for the purpose of serving the ministry. The experience of every day taught them that the influence of the crown was sufficient to prevail over every generous effort of the few who yet retained a sense of their duty and a regard to the interests of the people. In such a case, then, was it not right, prudent, and proper, that the constituent body of the legislature should apply by petition to those whom they have delegated for a legal redress of their grievances? And was it singular that knowing the state of that House they should select a few virtuous men out of their number to assemble, and observe the operation of their appeal. After this he drew the attention of the House to his own case: he had lost, he said, the rewards of a long life, spent in a painful career for his country's service, and his sovereign had lost an honest soldier; incapable he might be to serve him, but still his zeal was inferior to none. He was now consigned to retirement and oblivion; driven, he would say, unjustly from his station by the machinations of power. He was now sufficiently inclined to inactivity; but should the exigencies of the people call him forth from his obscurity, or the necessities of the state require the assistance of his arm, he was ready in the public cause to act or to suffer.

Lord *Fielding* rose next. He prepared his speech with an apology for the intrusion; conscious as he was of the very little weight or attention which a member so young and so totally devoid of parliamentary experience could claim. But the importance of the subject would be his best excuse, as it would be considered the duty of every member to deliver his sentiments on a topic in which the dignity of the House was so materially concerned. He declared himself happy to agree with the hon. baronet who made the motion in the importance of the subject, and the danger that would arise from neglecting it. Important it certainly was, and dangerous would the consequences of such neglect be; but beyond this he feared they would no longer agree. The hon. baronet and himself saw it with different eyes; he saw it with a partial, a parental eye, while he confessed he saw it with a jealous one. The hon. baronet seemed to consider it as the manly, constitutional effort of a spirit of freedom; while he could not help considering it as the revival of a very dangerous spirit of innovation, that no longer than last year had almost reduced this country to the situation she was in in the years 1641 and 1642. How far that spirit would have gone, it is impossible to say, had not Providence been pleased to interfere a severe indeed, but necessary remedy; the effect that the event had on men's minds was sudden and strong; the associated bodies immediately adjourned or dissolved themselves, and conversation both within and without doors was materially changed. Appeals to the people on the subject of recurring to first principles were no longer heard, and even newspapers ceased to be declamatory and violent. Recollecting this, it would become the House to beware how they again conjured up a spirit that was laid with so much difficulty.

Nor did he think the object of the reform, even if quietly effected, a subject so much to be desired; it must at least be done with great caution: if it was such, as he understood from an hon. gentleman in a former debate it was intended to be, the lessening or if possible the destroying that connection subsisting between the crown and the parliament; if gentlemen would look back to those periods in which that connection had been the smallest, they would not find the state of domestic government so earnestly to be wished for. Let them look at the reigns of queen Elizabeth and Charles 1, in the former of which the freedom of parliament was buried in the gulph of prerogative; in the latter the prerogative itself was destroyed; and with it perished at once both monarchy and constitution. They would find Elizabeth unable to guide the councils of the parliament, and consequently jealous of its authority; they would see that jealousy breaking out with fresh violence on every occasion. They would not only find her forbidding the House to consider of particular subjects, but absolutely forbidding it to meddle with matters of state in general; and on the least disobedience to those imperious commands, they would find her sometimes sending for and severely reprimanding the Speaker and the House, and more than once imprisoning the members; nay, so far did she carry her unreasonable jealousy, that in her last parliament, when the Speaker, in the name of the House, made the three usual demands, of safety for their own persons, access to her presence, and freedom of debate; they would find her granting the two former under

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very strange limitations; and to the third, answering "that she granted it indeed, but not that every man should speak what he listed, or what cometh into his brain to utter, but merely the liberty of saying aye or no." These were the blessed effects of a want of connection and mutual confidence between the crown and the parliament. The latter of these periods was marked with effects too melancholy, not to be so strongly impressed on every man's mind, as to make it unnecessary for him to enlarge upon it. The parliament, intoxicated with its newly acquired power, went such lengths as at last wholly destroyed the constitution. This great evil, at length, however, found a remedy in succeeding reigns; the parliament saw the necessity of reposing some confidence in the crown; the crown materially altered its language to the parliament; in short, to use judge Blackstone's expression, "the harsh tone of prerogative was succeeded by the milder voice of influence." "But" (say the gentlemen on the other side of the House, and in faithful echo to their words, says the petition before us) "that influence is lately so prodigiously increased, that under this weak and wicked administration it threatens to overwhelm, in one common ruin, the privileges of parliament and rights of the people." Did it indeed! Let them draw the comparison between the present state of court influence, and what it was under sir Robert Walpole, and he would ask the gentleman over the way, in what period of that minister's reign, so few placemen were in parliament? When would they find four only of the twelve grooms of the bed-chamber in that House? But not to mention the Nullum Tempus Act, the Act for securing the independence of the judges, or that great barrier to parliamentary freedom, Mr. Grenville's Bill, (all since that minister's time) there was still a stronger circumstance arisen. Where were those regularly trained parties, for which that period was so remarkable? He would ask an hon. gentleman, over against him, could he, could the ablest political muster-master so exactly calculate the strength on each side as to be able previously to determine which way many, he might almost say any, great popular question would be carried? No; he could not, that was effectually prevented by a new, a third party, having sprung up in that House, unknown to former periods. He meant the country gentlemen; the balance of power in that House was taken out of the hands of the minister, and placed in those of the country gentlemen; in the hands of men, for whom they had seen learned universities and great populous counties contending; men of that sublime character described by the poet, whom

> "Non civium ardor prava jubentium,
> Non vultus instantis tyranni,
> Mente quatit solidâ."

men neither to be frowned into servility nor huzzaed into faction; by the support of these men, and not, as had been falsely asserted, by the low arts of corruption, did the present minister stand. Should the noble lord in the blue ribbon, by any strange fatality, become that weak, that wicked minister, he had been unjustly called; should he become, as he had been represented, careless of the public good, attentive only to his private interest, a misleader of his sovereign, a corruptor of the parliament, an oppressor of the people, his supporters would immediately fail him; but while, on the contrary, he saw him generally supported by the most respectable characters in the House, it was to him as convincing a proof that he deserved their support and the confidence of the people at large, as it was of the worth, the generosity, or the integrity, of a private character, whom he saw countenanced and supported by the worthy, the generous, and the just.

Mr. *Byng* rose, he said, to give a plain and blunt answer to the question which had been put to him by the noble lord. As a political "muster-master," he would inform the noble lord, that such was his opinion of the power of the minister in the House, that he never had it in his power to make a doubt of the issue of any question. He could always speak with tolerable certainty of the numbers which the minister could command, and he had the daily misfortune to see that those numbers were sufficient to overpower all the independent votes in that House. He would tell him farther, as a political muster-master, as he was pleased to term him, that with so much safety could the minister presume to command the votes of gentlemen, that he sent in difficult cases his peremptory mandates; and, when the issue of a debate was doubtful, what were the arts, and what the industry of his creatures to collect his bands from the coffee-houses, to make them leave their dinners and their bottle,

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and come staggering into the House to decide on the fate of their country: the noble lord was a young member, but before he had much longer continued an individual of the phalanx which he had chosen to join, he would have opportunities of seeing the true nature of the ministerial influence, which he now so warmly praised, though perhaps his own independence might secure him from feeling its insolence. With regard to the present motion, though he knew it to be a proper and salutary measure, and though he sincerely believed that a majority of the House entertained in their hearts the same opinion of it, yet he already foresaw plainly that it would be lost: if, however, he should be mistaken; if, for once, the virtue and the duty of the House should be superior to the corruption and dependence, he would cheerfully confess his error, resign the office of political muster-master, and agree with the noble lord that he could not anticipate the fate of any question: he sincerely wished that the noble lord in the blue ribbon, would for once suffer the event for the sake of the consequence. He said, the noble lord might well put his other question, relative to the number of grooms of the bed-chamber in parliament, triumphantly, because the noble lord could not but be aware, that the number of grooms of the bed-chamber was different at present from what it was in sir Robert Walpole's time. He concurred in opinion with his hon. friend (sir H. Mann) that the matters prayed for by the petitioners ought to have originated in that House, but what reason had the people to expect, that any thing really essential to their interests would be proposed in a place where the influence of the crown bore down all before it, and the minister carried every thing by his majorities? How that influence and those majorities were acquired the House was not ignorant; the public were not in the dark; the late loan had opened their eyes, and they saw that they were represented by men who preferred their interest to their duty, and who submitted to the ignominy of participating in the plunder of their country. The hon. gentleman called to the recollection of the House, many of the important facts relating to the management of the loan, and the distribution of it among the friends of the minister, that he had before brought to their knowledge. They saw many avowedly upon the list, but those they thought infinitely more honest and upright than those who skulked in the dark. The people knew all this. They knew they had nothing to hope from the noble lord in the blue ribbon, and therefore they came to parliament of themselves; and in a true constitutional manner called upon that House to do its duty; the fate of the motion would convince the people without doors, whether parliament was so lost to all sense of shame, as when expressly called upon so to do, to refuse opening their eyes to matters of the most serious nature, and to which that House had been wilfully blind for some time past. An hon. gentleman had said, the petition ought not to be attended to, because it was signed by so few persons as 32 in number: Good God! did the merits of the petition depend on the number of persons who signed it? Every gentleman present knew, that the facts stated in the petition, and the question of their truth or falsehood, were the sole objects and the sole question, to be examined and determined. But such an argument was scarcely worth an answer. Last year the argument of objection was, that the petitions were too many, and the subscribers too numerous; now a single petition was sent to the House, and that signed by 32 persons only, the argument was, that the subscribers were too few. It was a proof to what miserable resources the other side of the House were driven when the minister and his friends wished to get rid of a matter, the truth and importance of which they could not deny, but which nevertheless they dared not meet.

Mr. *Courtenay* said, as the hon. gentleman had reverted to the old subject of the loan, he was happy to find he exempted those members from the severity of his censure, whose names stood fairly and openly on the list of subscribers. As he had the honour of being a native of a country, where weak nerves and an unbecoming modesty were not epidemic maladies, his name had appeared conspicuous on that list; and the only concern it gave him, was, that it stood opposite to a small sum. The hon. gentleman had also attempted to prove that a majority of the freeholders of England had approved of the petition now on the table; but his mode of demonstrating it seemed a little extraordinary, as it was not adverting to the names of those who had actually signed it, but to those who had not; a species of logic by which it was easy to

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prove any thing. As to what fell from another hon. gentleman, that we had lost the empire of the sea; he should only observe, that the triumphant relief of Gibraltar, and setting the combined force of France and Spain at defiance, seemed rather to invalidate his assertion; especially as the only proof he adduced of this our degraded situation, was the emperor's packet-boat with the imperial flag, taking in passengers at Margate, and landing them at Ostend.

But to come to the question. Many of the associated cities and counties, which sent up deliberating delegates last year, had now declined sending up petitioning ones; a conduct which seemed to sanctify and confirm what the friends of government advanced last year, that when the time of the general election was over, and the secret views of influencing persons were at an end, the real motive of promoting those petitions would be then disclosed, and the prayer of them be no longer urged with peremptoriness and importunity. No man could entertain a higher opinion of the people than he did; if, by the people, both sides of the House meant the same thing; for, according to his idea, the great and respectable body of the people were those of the middle rank; men who were neither rendered daring by ambition, nor desperate by necessity; men who did not want such Roman provocatives to public spirit, as *domi inopia—foris æs alienum.* The gentry and independent yeomanry of England constituted that respectable body; men who had no interest distinct from the happiness and prosperity of their country; they were the true props; they were the stay; they were the sheet anchor of the constitution. In that invaluable body of men resided the true spirit, the virtue, the nerve, the active energy, of Britain. Their minds were firm; their understanding manly; they knew that the best minister might be calumniated, and even his virtues refracted through the false and imposing medium of a distorting and insidious eloquence. But they were not to be duped by sophistry, or imposed on by a twist of ingenuity; a distortion of reason and perversion of common sense. A pure and spotless character, unsullied honour, and unimpeached integrity, (qualities not always inherent in a minister!) were still some recommendation to their favour; and, as they had not been initiated in Dr. Mandeville's school of philosophy, they did not believe that private vice could be a public benefit; and therefore did not maintain the converse of the proposition, that private virtue could be a detriment to the public. But nothing was too difficult for the subtle genius and paradoxical ingenuity of some gentlemen; if they argued on the other side of the question, we should be told that accepting a place was giving the strongest test of a firm attachment to our invaluable rights and liberties: for, as the influence of the crown necessarily originated in the freedom of the constitution, every person, who enjoyed an honourable and lucrative situation under government, was more peculiarly interested to preserve the purity and energy of that free and excellent system, which rendered that influence indispensably necessary. He then observed, that this respectable body of men would always support the noble lord in the blue ribbon, whilst he continued to act with wisdom, decision, and integrity; they saw the necessity of carrying on the war against America, as the allies of France, in confederacy with the House of Bourbon, to annihilate the power of Britain. They approved and applauded the spirit of the noble lord in chastising the perfidy, insolence, and ingratitude, of Holland; for they inherited the spirit of their ancestors, and still thought, that to submit to monarchies, however great and splendid, would be an abject and base humiliation of the imperial pride and dignity of Britain; but to submit to a Dutch degenerate republic, this indeed would be a new species of degradation, which never yet having had any existence in the annals of this country, no epithet ignominious enough had been invented in the English language.

He then asked, whether it might not reasonably be presumed, that this valuable body of the community, which he had attempted to discriminate and define, on seeing the dreadful consequences of an association, formed, no doubt, from a laudable zeal to support the true interest of the Protestant religion, did not choose to give the least encouragement to the revival of such a flaming spirit; for, he said, there existed another class of men, who often falsely and impudently assumed the name of the people; men composed of the profligate, the idle, and the abandoned, who were ever ready to break out into acts of riot and outrage, and who were easily worked up into faction, or inflamed into sedition, by the popular breath of

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every turbulent demagogue, as he had seen the stagnant and putrid waters of a marsh kindled into a blaze by a lighted newspaper. He declared, he meant no reflection on the delegates, whom he esteemed and respected; they, he was convinced, would scorn the assistance, and disdain to court popularity among this reprobate part of society. The committees, their constituents, were instituted for more laudable puposes; they might be considered as self-erected political hand-posts, planted over the country, to point out to the people the part they were to pursue,

"Along the cool sequester'd vale of life,
To keep the noiseless tenor of their way."

In other respects, too, they did great and essential service to their country; they intercepted the noxious steams which flowed from their body-politic, in a very sensible perspiration, and condensed the vapour, which descended on the table of the House, in a harmless shower of petitions, remonstrances, and projects for reformation. From such political manufacturers, we might rationally expect a new and splendid edition of Magna Charta, stamped on *pro patriâ* paper, and worked up from the rags of the community. They elicit the latent sparks of virtue and patriotism, from a part of the commonalty, where none was ever expected to be found, as an electric machine extracted fire from a dunghill.

He added, that he entertained the highest opinion of the conduct, views, and principles of the delegates; no man lamented more than he did their banishment from Guildhall; but he consoled himself by reflecting, that it was an honourable species of ostracism, by which the common council of London proudly and ambitiously affected to imitate the conduct of the celebrated citizens of Athens: their characters, too, he held in the highest veneration:

"Their wise Divan the best companions grace,
Chiefs out of war, and members out of place;
Who fondly mingle in their hope-fill'd bowl,
The feast of reason, and the flow of soul;
Ev'n he, whose light'ning pierc'd rebellion's lines
For reformation, forms their great designs."

To them we are indebted for many excellent projects to restore and renovate the constitution; annual parliaments among the rest; for as all power originated from the people, by shortening the existence of parliament (for their political sins), they would be rendered more humble and dependent on their creators, and become a shining, but transient, emanation from them; be directed by every popular blast, and turn, like a smoke-jack, by the breath of the people.

He said, he made no doubt, but that their reiterated, though hitherto disappointed, attempts, to diminish the influence of the crown, sprung from the purest and most disinterested motives. It also gave him an opportunity, which he would cordially embrace, of obviating an illiberal and invidious reflection, which had been often thrown out in the public prints and in private conversation, as if some people did not receive the news of our victories or defeats with all that joyful exultation, or sorrowful dejection, which might be expected from Englishmen! But this problem might be easily solved; for as the dangerous influence of the crown would be increased by our victories, but diminished by our defeats, it was perfectly consistent with the gentry alluded to, to hope for the improvement of the constitution, and the extinction of corruption, by the ruin of the empire; and on this enlarged and liberal principle, men of the most sublime minds and refined and exalted virtue might derive unspeakable consolation from the misfortunes of their country. For instance, the conquest of the Carnatic, by Hyder Ally, might enforce a reform in the King's kitchen; the loss of our provinces in America, might occasion the dismission of a lord of the bed-chamber, a comptroller of the household, or a clerk of the pantry; and who was there dull enough not to perceive that such trivial calamities were amply compensated by such great, solid, and substantial benefits! He added, that he thought it right to speak thus seriously, as he found sentimental comedy was most agreeable to some particular gentlemen's taste, especially as something ludicrous, which had inadvertently fallen from him on former occasions, had given undesigned offence. He concluded, by expressing his strong disapprobation of the motion.

Mr. *T. Townshend* commented on the arguments and language of the gentleman who spoke last. The levity with which he treated every question of the most serious nature, might be agreeable to ministers, as they wished to throw all public virtue into ridicule; but it could neither give them respect with the people, nor character with posterity. These were the mean resources of profligacy and impotence, and they merited no other regard, either in that

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House, or in any other place, than contempt. He observed, that it was the artful contrivance of the present day, to coin the word 'delegate,' and introduce it by force into the question as an argument for rejecting it. The petition did not come from delegates; it came from freeholders; and in no other light could it be assumed or debated.

Mr. *Powys* said, had the petition been signed by any persons, assuming the characters of delegates, he certainly should have opposed it. It did not profess to come from the subscribers as delegates, but as freeholders, therefore, he thought it ought to go to a committee.

Sir *H. Heghton* thought the inconsiderable number of persons who had signed the petition no objection to it; they were as well entitled to the consideration of that House as a larger number; he had other objections to the petition. He paid sir G. Savile many high compliments, but could not agree with him in regard to the motion.

Mr. *Rolle* stated his approbation of the subject matter of the petition, and his zeal to support the right of petitioning, but he wholly disapproved of associations and committees without doors, to watch and controul parliament. He thought them neither legal nor constitutional; and as he considered the present petition as coming from a committee of delegates, though the gentlemen had not signed it in that character, he should oppose the motion. He remembered to have had it as an opinion from a lawyer, that an association, for the preservation of the game, and for the purpose of carrying the game laws into execution, was illegal.

Sir *F. Basset* spoke against the motion. He stated, that a late meeting, held in the county of Devon, for the purpose of appointing delegates, was very thinly attended, there not having been above 20 persons present, although there were 13,000 freeholders in the county. He said farther, that three persons were chosen delegates, and only two of the three had signed the present petition; he concluded, therefore, that the third did not approve of it.

Sir *George Yonge* said, the hon. baronet was mistaken, the county-meeting of Devon had been very large and respectable, as he could witness. With regard to the three delegates, he was the third that had not signed it; and the reason was, he happened to be 270 miles from London when it was signed, but he fully approved of the contents; and, if the forms of the House would have admitted of it, was ready to sign it even then. Sir George went into an argument on the powerful influence of the crown, and said it was almost irresistable; even the largest fortunes did not secure independency; the first men of the first estates in the kingdom could not help bowing to the minister, and attaching themselves to government.

Mr. *Martin* supported the motion, and arraigned the last parliament, as a parliament, assembled rather for the purposes of individual traffic than with a general desire to propose measures likely to promote the welfare of the state and the happiness of the people. They looked more like men following a trade in that House, or a lucrative office, than like men doing their duty to their constituents. This he was at liberty to observe of late parliaments; for, to be sure, nothing could be said of the present parliament but what was praise-worthy! He then read an extract from Hume's Essays, on the Coalition of Parties, and recommended the ideas therein contained to the consideration of the House.

Mr. *Harrison* began with saying, that they had then before them, the aggregate petition of a considerable part of the people of England, praying for a reformation and retrenchment in the public expenditure. He must confess, that he did not doubt but it would meet with the same fate that every other request of the people had of late experienced in that House; which, so far from tending in the least to promote any steps towards redressing the objects of their complaint, seemed only more strongly to have fixed the resolution of administration to shut every door of inquiry that might be the means of bringing to light that baneful course of influence and corruption, which had so long hoodwinked the senses of that House, till it had led this country to the verge of that awful precipice on the brink of which it now stood. It had of late been the constant language of one side of the House, either to represent the petitions of the people in the most contemptuous light, as the voice of an ignorant and deluded multitude, led away by the factious and discontented spirit of their superiors; or, if they deigned to consider them in a more serious point of view, they were to be represented as the ebullitions of a republican spirit; a spirit dangerous to the constitution, and which ought to be resisted. Upon this

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principle, said he, we have seen every proposition, tending to any reformation, uniformly rejected in this House. We have not only seen the same shameful waste of the public treasure continued, but we have seen the enormity of profusion, extended in the instance of the present loan, beyond what has ever been known in this or any other kingdom. That unrestrained power, which ministers have assumed over the public purse, is a matter so ruinous in itself, so big with national calamity in its operations, that whether we may be ready, or whether it may be a proper time for such exertions, I will not say; but it is an assumed, unconstitutional power, that must and will be restrained. It is so totally subversive of the very essence of this constitution that a continuance of it is even worse than despotism itself. He then observed, that ministers had, with their usual subtilty, endeavoured to subvert the object of the present motion, that of a national reform, under pretence of disapproving of the means by which the application had come before that House. But that, with all the art they had used, they could only make it the petition of particular freeholders, appointed by petitioning counties, to address that House, to call to their recollection the former petitions which then lay mouldering, as useless lumber on their table. But, said he, as the objects of those complaints are not only unredressed, but even the enormity of the grievances complained of extended, we ought to consider them as now before us, in their fullest force, claiming that regard and attention, which we, as the representatives of the people, cannot refuse without betraying that trust which is reposed in us. They have a right to demand that their petition should be taken into consideration; and, when it comes before a committee of this House, if the objects of their complaints are found to be ill-grounded, or not to exist, that is the proper time to treat the petition as frivolous and nugatory. But to reject it unheard, could only be considered as a mean subterfuge to reject every petition of the people, which did not come backed with the compulsive authority which the Irish took care theirs should come backed with; an authority which might extort that from their fears which would be withheld from every other more laudable motive. But, for heaven's sake, let ministers reflect on the consequences of their conduct; let them not wantonly sport too far with the distresses and complaints of the people at large; but let some ideas, tending towards relieving and satisfying the minds of the people, be brought forward by the gentlemen on the other side of the House, since it was thought right uniformly to reject every petition of that tendency which came from this.

Mr. *Sawbridge* said, in consequence of the frequent attacks which had that day been made on the character of a delegate, he acknowledged he was a delegate, and defied those, who imputed a species of criminality to that character, to come forward and avow their intention to prosecute him. If he had acted illegally he was amenable to the laws of his country. If, on the other hand, the charge of criminality was only urged to defeat the petition, and to discredit the promoters of it, it was a paltry subterfuge, to evade, by pretended threats and parliamentary chicane, what its enemies were conscious they were unable to meet in any other manner. Those, who signed the present petition, appeared before that House merely as freeholders. It was not therefore competent for the House itself, or any individual who composed it, to consider them in any other light but what the public act itself imported; namely, petitioners, seeking national redress for themselves and their brother freeholders and citizens, and the nation at large. What the same men may have transacted without the walls, the House had not, nor could, take the least cognisance of. They might or might not have acted imprudently, illegally, or improperly, in their delegated capacity. Was there any proof that they had? If there was not, nor any charge in being, the petition and the petitioners stood on grounds totally foreign to the arguments urged against either. It might hereafter be a proper object of inquiry, or it might not; the only point under the consideration of the House, was, merely the allegations contained in the petition; if they were unfounded, or ought not to be attended to, then the parties might come fairly and directly to issue. Every other matter, relative to the conduct of the petitioners, was extraneous.—For his part, he was of opinion, that the gentlemen, who acted in the character of delegates, had acted legally. He presumed, the right of petitioning would not be denied; if so, most clearly the right included the means of attaining the object in a legal and constitutional manner: in-

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deed, the right to associate, to appoint committees, and to choose certain persons, and delegate the powers of a greater body to a smaller or select one, was, he believed, of the very essence of large popular bodies. If they had a right to assemble, for the purpose of petitioning, they had a right to petition; and, if to petition, to devise the most proper means to give that petition effect. It was usual in all meetings of the kind, for promoting a redress of grievances, or for effecting a good, or averting a public evil, to form committees; for those committees to associate with others, standing in the same predicament, and interested in common respecting the desired event. As the power in the first instance was made to devolve on a smaller number, that selection could again delegate the power, thus entrusted, with the consent of those who originally delegated it; so that whether the power was exercised by 3, 5, 100, or 1,000, it was still the same, though the mode of exercising it might be changed for greater convenience. He ever understood, that all bodies of men, retaining certain inherent powers, or rights, could delegate the exercise of them under no other restriction but that of the consent of the principals, or collective body. It was justified in the most familiar intercourses of life, as well as in the higher and more important; and he was persuaded, that this doctrine would be found to be universally true, where the exception was not created by an abuse of the powers thus delegated. On the whole, whether the conduct of the delegates was or was not justifiable and legal, was of very little consequence in the present debate. If they had acted illegally, the law was open; if they had not, every argument or objection, raised on that pretence, must totally fail for want of support.

Mr. *Alexander Murray* (Solicitor-General of Scotland) was of opinion, that the petition ought not to be committed, but rejected by the friends of government and of order, with some farther mark of disapprobation. It appeared to him dangerous, improper, and unconstitutional, to give any countenance to the petition; dangerous, as tending to revive the drooping spirit of association; improper and unconstitutional on account of the persons from whom it proceeded; who, possessed of an illegal and unconstitutional denomination, were really and truly acting in that capacity, whilst they held forth another to the House, thereby intending to surprise parliament. That they were truly acting as delegates seemed clear; they did not deny that every subscriber to that petition possessed that character. As freeholders they were represented in parliament, and might have had their alleged grievances laid before the House, in constitutional form, by their respective representatives. Ten of those, who signed the petition, were members of the House. Acting as individuals, why did they not rise in their places, and move for leave to bring in bills of the same import with the subject matter of the petition, if they did not wish to act, and were not truly acting as delegates? Besides, it appeared from the instrument of deputation to the delegates from the county of York, that the object of those instructions, and of the petition before the House, were precisely the same, and expressed almost in the same words. In short, it was clear that they put on a mask to that House, and, pulling it off, or looking from behind the vizor to their constituents, they might, if they prevailed, inform them that they had got their business done as delegates. That the character, in which they truly acted, was illegal and unconstitutional was almost self-evident; for what did these delegates pretend to be but representatives of counties? Their instruments of instruction, their pretended elections, the different disputes which had arisen in the course of the present debate, about the unanimity or majority with which petitions were carried, or delegates named, proved it. For his part, he knew of no constitutional or legal representatives of counties except the members of that House. In law there were none known. Every other pretended representative must, of course, be an illegal and unconstitutional one. Besides, by what legal authority were these meetings called? What were the qualifications of the voters? Might not the meeting be composed of banditti, and be truly a mob, such as those miscreants who had so lately filled this city with terror and dismay? If they differed, how was the right of the delegates to be decided? Could it be done in Westminster-hall? Was there any constitutional court or committee to take cognisance of it? Suppose that those delegates had not been turned out of Guildhall, but had been seated there, in all the pomp they meant to assume, could a right to a seat there have been decided in any other way than by the sword? Where

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was the right of such a set of men to assume judicial powers on such an occasion? Where lay their right to meet and deliberate on matters of state or redress of grievances? For their commissions were not like those of agents, simply to present petitions; they were to meet, concert, and deliberate, as a body politic, and that, too, on matters of state, not on private business. The Declaration of Rights, that second Magna Charta of England, stated, that for the redress of all grievances, and for the amending, strengthening, and preserving, of the laws, parliament ought to meet frequently; plainly implying, that no other body of men, in a delegated capacity, had a right to meet, to deliberate, and to treat of such subjects. It had been said, that the petition must be committed, because the petitioners had also the character of freeholders in them; and because the petition had already been received. For his part, he could not feel the force of the observation: the character of freeholders was, on this occasion, used as a disguise, as a cover to another, under which they truly acted, and, without doors, wished to be understood to act. And as to the petition having been already received, if he had known the facts, as they now appeared, he should have moved to have it thrown over the bar; and for the same reason, which would have induced him to propose this, he held himself at perfect liberty to vote against its commitment.—As to the second ground of his opinion, the danger arising to the state, from the encouragement of associations, it required but little acquaintance with history to feel the force of that objection. The League in France, founded on specious pretences, proved the danger of such associations. It had involved that country in a horrid scene of bloodshed, violence, and outrage; had shaken the throne, had convulsed the nation, had well nigh overturned the constitution, and deprived the legal successor, Henry 4, of his just right to that kingdom. It was needless to enter into the league of the Fronde in the same kingdom. We had fatal proofs, in our own country, of the danger of such associations. The Solemn League and Covenant, in the northern part of it, was truly the origin of the civil wars. Had Henry 3, of France, repressed the league, first formed in Picardy, that of the Sixteen of Paris would never have taken place, nor would the league have become general in that unhappy and distracted kingdom. Had the government in Scotland repressed the Solemn League and Covenant in the country, or the illegally delegated meetings at Edinburgh, this nation might have escaped the horrors of civil war. It was therefore the duty of parliament, by those efforts which were in their power, to avert such dangers; to suppress associations, by preventing their resolutions and views from taking effect, whatever disguise they assumed; and the present petition certainly came in a most questionable shape. It became the House to oppose its commitment; and in place of wasting time, in the present crisis, upon subjects already discussed, or upon other dangerous theoretical questions, for such were intended to be brought before it, as appeared from the York instructions, it became the House to unite firmly in concerting measures to oppose the designs of our open and avowed foes, whether consisting of rebellious subjects, natural enemies, or treacherous allies. It had been said, that these measures were promoted by many good and respectable men; but this argument called upon the House more particularly to express their disapprobation of such illegal and unconstitutional acts. It was of the greatest consequence to prevent good men from being misled. He sincerely believed, that the intentions of the present associators were good; but it had often happened that good men, associating for a good purpose, had been imperceptibly led to mix with others, seemingly engaged in the same cause, but whose views were different. Associations therefore held out a possibility of great national mischief, and, unless in the last extremity, ought never to be adopted nor suffered.

Lord *Maitland* made an able reply, in which he happily blended much warmth and energy with much argument and elegance. The noble lord said, he could not sit patiently and hear the doctrines which the learned gentlemen had chosen to bring forward in that House. They were such, he trusted, as would never be suffered to pass without indignation. They were hostile to the foundations of British freedom, and as contrary to the laws as they were to the constitution of England. They were doctrines, indeed, which a crown-lawyer, in his improvident zeal, might be brought to hazard; but which, as a constitutional lawyer, he could never be able to support. His lordship declar-

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ed, that associations and delegations were not only strictly legal, but in some circumstances highly expedient; and however fond a certain description of gentlemen might be to throw out aspersions against them in that House, yet he firmly believed that that House would never presume to come to a resolution of censure on associations as either illegal or improper. If ever they did, it would be in a day of forgetfulness as well as of corruption; when they had either forgot or did not choose to remember that it was to the salutary and blessed effects of association that they were a House at all, and that the country enjoyed the protection of a popular assembly. When they did not recollect their origin he was afraid they would forget their duty; and he would no longer look for a virtuous discharge of their trust than while they remembered with gratitude and enthusiasm the noble efforts of their ancestors; who, in a day of regal tyranny, associated for national deliverance. His lordship contended, that every thing we enjoyed as freemen, and our dignity as a people, were derived from associations. In the just and sober contest with Charles 1, the means which brought about the Revolution, in short, every single step which had either been the means of defending our rights in the first instance, or securing them after, had been effected by associations.

It was to associations and combinations of men, associated and combined for a good purpose, that we owed all we now possessed. To those we were indebted for the compact of Magna Charta, for the Revolution, for the Hanover family; in short, for every thing we could boast of; and he had the strongest reason to believe, from the temper, disposition, and apparent views of those in power, that if the committees and associations had been either unconstitutional or illegal, those who had the will, if they had the authority, would have long since gratified at once the wish to punish with the eager desire to suppress. They would have commenced a legal attack on those who acted as delegates, a sort of war which ministers were much more inclined to pursue with eagerness than a war against the natural enemies of the country. But they knew them to be legal, and they knew that delegations were as well known to the constitution as any other popular privilege. It was a practice fortunately introduced, by which the desires of multitudes might be forwarded and carried into execution. There was not a petition presented to that House, even for the regulation of a turnpike Bill, but there were some men delegated from the vicinity of the place where the Bill was to operate, to manage their application to parliament, and take care that their interests should not suffer for want of knowledge or for want of will. Did it ever come into the heads of men to say, that such delegations were illegal, or that they were not known in the constitution? There was not a privilege of the people, which had been exercised with more frequency, and from an earlier period of our history, than this. It was coeval with the establishment of our system, and had been exerted with success in a thousand instances. But was it from ministers that the argument against delegation had proceeded? Was it from the Treasury-bench that the doctrine had come of their being unconstitutional and dangerous? What! from that bench, and from those men who had but the year before delegated the best rights of that House, not to a part of their own body, but to a set of men as much aliens to parliament as foreigners were aliens to Britain? It surely did not become men, who had stretched the power of delegation to an extent so much beyond all precedent, now to censure a sober and legal exercise of that privilege.

The arguments of the learned gentleman were truly singular. He had drawn arguments against associations from France, and had contended, that, because they were dangerous to that government they were improper in this. Good God! into what puerilities would not the zeal of party lead even learned men! What must be the weakness, or what the obliquity of that comparison which sought an analogy between a kingdom of slavery and a kingdom of freedom, and which endeavoured to make the same policy applicable to both. In one of the provincial parliaments of France, the learned gentleman would have recommended himself not only by his oratory, but also by his law; his doctrines would have been agreeable to the constitution, as well as to the monarch, and he would have secured popularity while he cultivated interest. But there was a happy difference in the plan of the two governments, which made the policy inimical to the one which was applicable to the other; and the learned gentleman would find that very little re-

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spect would be paid to the authority of his precedent, even by those who might be inclined to relish the accomplishment of his doctrine. The learned gentleman had been equally unfortunate in his precedent from Scotland; when that unhappy country was under the dominion of an unsettled government, torn by feudal tyranny, and by contradictory oppressions, in such a crisis it was not to be wondered if the efforts of the people should be unconstitutional, and if they endeavoured to grasp at deliverance by irregular means. The noble lord therefore found no resemblance in these precedents; and, consequently, no conclusion could be drawn from them. He maintained the propriety of the petition on the table by various arguments, and urged the duty incumbent upon the House to give it a serious and deliberate consideration.

Sir *William Dolben* said, no man approved of petitioning more than he did, in certain cases, and for the attainment of certain purposes. He was one of those who promoted, or at least approved of, the petition or instructions which came from the county where he resided, because he was persuaded that nothing could be more conducive to the great objects of the war than an economical and faithful expenditure of the public money. The general object of the petitions presented to the House last year was in part complied with, or if not, was in a train leading to the proposed event. The Commissioners' Bill of last year, and which he understood, from what fell from the noble lord in the blue ribbon a few days since, was to be renewed, was directed to an enquiry into the receipt and issue of the public money; and though the Commissioners' report was not yet finally completed, there was good ground to expect, from what they had already done, that very salutary consequences would be derived from their labours. In his opinion, the principal prayer of the petition was already granted, as far as it could be; it was therefore premature to petition for the removal of a grievance which was acknowledged to be in a state of redress. Much had been said respecting the increased and increasing influence of the crown. To him, it appeared, however, merely a matter of opinion, which operated variously on different men. It must be acknowledged, that the influence of the crown became naturally augmented in a time of war; an increase of establishments, and of the expenditure of public money, begat patronage. The question, nevertheless, was not whether the influence of the crown was increased, but whether it had increased in such a manner, to such an extent, and was so felt, as in the apprehension of the honest and independent of every party and description of men in that House, and out of it, as to lay a foundation for just apprehensions for the present and future security of public liberty. He was ready to say, that the influence alluded to was not so felt and acknowledged; or if it was, that he made no doubt but a majority would agree with him that night, that the proper means of reducing and confining it within constitutional bounds were not by appointing associations and delegates for the purpose of controling and over-awing the legislature. So long as the constitution was preserved, redress could only be had from parliament: he should therefore set his face against any measure which went directly or indirectly to set up any power, however constituted, paramount to the constitution, the legislature, and the laws.

Mr. *Fox* now rose, and, in a speech of considerable length, adverted to every argument that had been advanced in opposition to the motion, with a power of argument and eloquence peculiar to himself. He observed, that the arguments made use of by those who opposed the motion, were equally novel and unanswerable; for no man knew how to meet them, they having assumed such a diversity of shapes and forms, and so many observations having fallen in the course of the debate, totally extraneous to the subject matter; but which, by a curious species of logic, had been made to apply to the motion, and, in the apprehensions of those who made them, deemed to be decisive of the question.

It had been argued by some, said he, that the public money has been, and is faithfully, expended; by others, that the influence of the crown is not increased, and of course ought not to be diminished. By a third description, it is acknowledged, that economy is necessary, and that the public expenditure may be improved; but that measures are now taken for that purpose, and our interference is unnecessary. Others again say, that the meeting of the delegates was illegal, and that those who composed it are punishable. It has been allowed, that the meeting might be innocent, but it was the

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conduct of the persons who associated which rendered it criminal. Another description of persons say, that the present petition is premature, because the principal object of redress is in the hands of the commissioners of accounts; and above all, it has been warmly pressed, that the persons, whose names are signed to the petition, come here in disguise, in the character or capacity of freeholders and citizens; whereas they are, in fact, delegates; if delegates, their petition ought not to be sent to a committee of the whole House, because they have usurped the rights of that House and the legislature at large: if freeholders, they are too few in number to deserve the attention of that House; and finally, however few or insignificant, that they have transgressed an act of parliament, because the petition is signed with more than twenty names. This, he said, was but an abridged state of that torrent of eloquence and reasoning which had that night been urged in the course of the debate. However unequal to the task, he would endeavour to give each of those objections a separate and distinct answer, and make such observations in proceeding as might suggest themselves to him, in reply to the very numerous miscellaneous remarks which were blended or connected with those arguments he had already enumerated. He would not undertake to answer them in the order they were urged, but would have recourse to his memory, merely as the points might arise in his mind.

It was urged, with great seeming weight and studied plausibility, that the petitioners came to that House in disguise; for although they pretended to be the men they really were, namely, the freeholders and citizens of the places within which they were resident, they were in fact delegates; therefore their prayer or petition was not to be entertained in that House. Why so? because they considered themselves paramount to the House itself, and meditated the subversion of the constitution. The proof was perfectly equal to the reasoning which accompanied it. The petitioners were delegates, because, though the delegates meant and thought themselves competent to control the legislature, the petitions did not, but prayed relief from their representatives in parliament.

So far the proof of their being delegates was overturned. The committees, associations, and delegates, wish the subversion of the constitution, say those who argue in this stile; the petitioners, on the contrary, acknowledged the sovereign and omnipotent power of parliament, and come to it for redress; consequently their political principles are not the same: or those who have charged the delegates with such tenets, have purposely or ignorantly misunderstood, or misrepresented them. Besides the fallacy of this mode of argument, he would just point out the absurdity which it involved: for if the argument was a good one to-day, it was no less so yesterday. Why entertain the petition at all; or, having entertained it, why object upon that ground? If the petitioners were delegates, and on that account ought not to be heard, they should have been told so in the first instance; for most clearly, if it was improper to refer the petition to a committee, it was equally so to receive it when first presented.

The present petition was precisely the same as many of those presented last year, and substantially the same with those upon which the House had come to the three resolutions, voted by a great and respectable majority of that House on the 6th of April, 1780. The House then resolved, what has now been controverted, or expressly denied, by almost every person who had spoken on the other side. The hon. gentleman who spoke last (sir W. Dolben) with whom he had the pleasure of dividing on that night, said, the petition was premature; for the commission of accounts had been instituted in consequence of the petitions. Granting, for a minute, the fact and consequence to be true, surely the giving redress respecting the expenditure of public money, by no means came up to the prayer of the petitions, nor the resolution of the 6th of April last year; which affirms, without reserve, "that the influence of the crown had increased, was increasing, and ought to be diminished:" nor with the concluding resolution, which asserts, "that it is the duty of this House to provide an immediate and effectual redress of the grievances complained of in the said petitions."

This argument, he acknowledged, only applied to such as voted for the resolutions of the 6th of April; while with those who were of opinion then of the impropriety of coming to that vote, and those who had since that period come into parliament, it was quite otherwise; but until the gentlemen then and now in parliament, who

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voted with him on the 6th of April, publicly recanted, and assigned the motives for their change of sentiment, he had every good ground of persuasion that they would continue to maintain their former opinions.

While he was on this part of the subject, he could not avoid taking some notice of what had fallen from a noble lord who spoke early (Fielding). It gave him pleasure to perceive a person of his rank, at so early a period of life, turn his attention to matters of a public nature, and of public interest. He had another reason for being well pleased, as it gave him an opportunity of informing the noble lord of some circumstances which might have escaped his notice, and consequently which might have led him to draw conclusions which were not founded.

The noble lord laid it down as a matter not to be controverted, that the present minister and his measures were supported, not by the arts of corruption, not by the effect or operation of hopes and fears on different men's minds, respecting place and emolument, but by a most respectable independent body of men of landed property, who supported government upon principle and conviction, namely, the country gentlemen. No man had a higher respect or veneration for this description of men than he had. He knew their value; he loved, he revered them. He was bound to them by sentiment as well as opinion. People were always prejudiced, as it were, in favour of those who thought and acted with them. He was bound to them by affection, and it was with infinite pleasure he beheld, upon that memorable night, the 6th of April, that out of the whole body he missed but two or three who differed, he presumed, from their brethren, upon motives perfectly justifiable in their origin. He had every reason to believe that they were actuated by opinion, and not by servility. They might entertain an idea that the propositions were untrue, or the time unseasonable, for the reform; and, possessing those sentiments, they were not wrong in avowing them. He made no doubt, let the event of the division be what it might, that he should be accompanied by persons of this description into the lobby, by the whole body of country gentlemen, a few excepted, who might continue with the minister upon principle.

The noble lord's idea was, however, a good one, nor was it without an intended effect. On questions where the strength of both parties was nearly equal, a few votes were valuable, and the importance given to certain persons who might wish to rank themselves with so respectable a body was flattering. It sounded well, after arranging both sides of the House under the banners of party, to say that the honest, independent, and truly respectable part of the House threw their weight into the scale of the minister, and made him successful.

But he begged the noble lord to believe him that the case was exactly the reverse. It was the trained bands, under the well-known command of the muster-master-general, to borrow a term from his lordship, who carried every question in that House; it was those who were in possession of great emoluments of pensions and inefficient places: it was the contractors, whose profits within a single year amounted to almost a princely fortune; it was the subscribers to the loan; it was the man who could make thousands in a morning, by writing his name, or being listed in the minister's loan; it was these men who, in the midst of national misfortune and of public calamity, in the distress of a ruined commerce and of multiplied taxation, a depopulated kingdom, and a dismembered empire, were amassing fortunes by their servility, and growing rich by the support of measures which made other people poor. These formed the motley groupe which the noble lord was pleased to honour with the appellation of country gentlemen: it was the men whose names were concealed in the minister's list of the loan; as well as those whose "strength of nerves" emboldened them to stand forward as the receivers of eleven per cent. on the amount of their subscription. He was sorry that the hon. gentleman who spoke lately under the gallery (Mr. Courtenay) had so much reason to complain that his part of the subscription was not larger. There was no man better entitled to it, for the minister profited by the strength of those nerves which served him both as pastime and support. These were the men who decided every question in that House.

Who could be surprised that the muster-master-general should have proved so victorious in the course of his several parliamentary campaigns? Who could be surprised, for instance, that he should prove victorious that night, however improbable, considering the expected issue in a light merely abstracted, unless he should have

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recourse to his memory? In that event he must recollect, that upon a loan of twelve millions, one million had been snatched out of the pockets of the public, to be deposited—where? why, to be transferred into the pockets of this new description of country gentlemen; that only two days ago three millions and a half had been voted without account into the pockets of a few favourite contractors; and that twenty millions is the annual expenditure, the profits on which were regularly divided among his friends and supporters.

The use made of the name of the country gentlemen by the noble lord, put him in mind of the glory obtained by the several branches of the House of Bourbon: the prince of Condé, while a stripling, is made general of an army; he defeats his enemies, his fame blazes like a meteor; he is held forth as a great officer; and his military knowledge is said to be intuitive; the blood of Bourbon is the cause of his success! But is this the real cause? No; is it not known that he is put at the head of an army, veteran, and disciplined, inured to arms; and that he owed it to the knowledge and experience of his officers, the bravery and military valour of his troops? Shall we, then, ascribe the victories of a minister in parliament to the country gentleman? Shall we say that the most valuable, independent, and upright members of the community would contribute to their own and their country's ruin? The idea is absurd. Every member of this House, who gives himself the trouble of attention, sees that it is not to the country gentleman, but to that formidable band of agents, contractors, pensioners, and dependents, to which the muster-master-general owes his success. These are the men, who, to raise a revenue, gave their sanction to the war with our colonies. No sooner had they done so than, actuated by timidity and irresolution, they abandoned first the revenue, and then the dominion; nay, so unsteady was their conduct that they again changed their measures, and adopted that plan which has involved the country in ruin and distress. He would venture to affirm that there was hardly a member of this House who would seriously maintain that America could be recovered by force of arms; even administration themselves from experience know it to be impossible. Could there be any reason, then, for the prosecution of a war which afforded no prospect of success? None, but in the mean and sordid motives of avarice and self-interest, which evidently actuate the minister and all that numerous herd of placemen and pensioners who lived by his smiles, and were supported by his power. Was it to be supposed that a minister influenced by such principles would abdicate his office? or that his adherents would abandon their interest? No; such an event was rather to be hoped than expected; his safety depended on his continuance in office, and the moment he retreated he was undone. The condition under which he acts was positive; it was determined that the wealth of this country should be dissipated, the blood of our fellow-citizens spilt—to what purpose? merely to support his power and that of his adherents.

The hon. gentleman then endeavoured to shew the absurdity of the arguments made use of against his hon. friend's motion. Before he should descend to particulars, he thought proper to avow that he was a delegate; and although he had not petitioned as a delegate, he should not have come to that House for redress, if he had not acted in that capacity; the truth was, that he and several other gentlemen were of opinion that the petition should have been signed and presented by them as delegates, while others, equally persuaded of the legality of the measure objected to it for this reason; that although the propriety of presenting the petition was almost universally acknowledged by the House, yet that of forming associations and appointing delegates was not. They were apprehensive that if the petitioners should come to parliament as delegates, their petition would lose some part of that support so necessary to give it success, as gentlemen were not perfectly agreed on the doctrine, and even good men might differ on a point depending upon opinion. On that ground he gave up his original intention out of deference to the opinion of those with whom he acted; not out of apprehension of danger: he was persuaded there could be none; though no lawyer, he understood it to be law, that whatever rights he possessed as an individual he might delegate to another, if not restrained by some positive law or restrictive usage; and that whatever powers he, as principal, could legally exercise, his substitute was equally entitled to the same.

He could not help expressing his astonishment at what he had heard in the course of that evening; it was said, that acting as a delegate he could not come

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forward as an individual, or being considered as a delegate, the petition could not be accepted. The former he presumed was out of the question; the latter had been frequently answered: the argument amounted to this, that because he met, as a delegate from the citizens of Westminster, the delegates from the county-meetings, he was not Charles Fox, a citizen of, but a delegate from, the city of Westminster. This was surely reasoning in a most extravagant manner. He would demonstrate its absurdity by an allusion of a familiar kind, and which would explain his sense of such a solemn mockery of common sense: should he call upon a person about business, and after announcing himself it should be answered, "I do not know you as Charles Fox; I know you only as one of the representatives for the city of Westminster; you may be Charles Fox, but if you are I cannot speak to you on the subject, because I knew you before as a member of parliament only." This would be a very extraordinary kind of conduct, but it is upon such grounds they have attempted to defeat the object of this petition: we know, say they, that the persons who have signed this petition are freeholders and citizens; but we also know that they have acted as delegates from the associated counties; consequently, we shall consider them in a character in which they do not come before us, and by this means exclude them from relief, and deny them that character which would at least entitle them to a hearing, and to a full investigation of the grounds of their complaint.

He observed, that those who were called upon to maintain the propriety of the present motion, for sending the petition to a committee, were extremely unfortunate. In the instance of last year, when petitions were signed by four or five thousand names; and when those petitions were crowding in from every corner of the kingdom, what was the language? That the petitioners were so numerous as to create an alarm in that House; that their meetings were tumultuous, and might terminate in commotions; that they ought to be discouraged, and even suppressed; that parliament were the exclusive judges of existence of grievances, and of the relief to be granted. Now a very different language was held; it was now said, that the petition ought not to be attended to, because out of the great body of the people of England only thirty-four names had appeared at the end of it: and that even these had been procured by the artifices of a faction, whose grivances were imaginary, but to whose complaints there was no end; so that whatever way the argument was shaped, the answer was ready, that the object of the petition might be defeated. Last year the petitioners were too numerous and formidable to be listened to; now they are too few and insignificant: oh! (say some gentlemen) the malcontents are not petitioners, they are delegates; if they were petitioners they would be worthy of attention; but when last year they were petitioners and not delegates, they afforded just cause of apprehension for the quiet and safety of the kingdom. The commencement of the troubles, in the reign of Charles 1, had been resorted to in the present case as a precedent: now however, when every pretence for apprehension was groundless, these few individuals were meditating, in secret, the subversion of government and the destruction of the constitution.

But, as in the first instance, these apprehensions were imaginary, he would now inform these gentlemen, who held the petitioners in so contemptible a light, that they were then, as well as now, equally mistaken, either through ignorance or design. The petitioners of the year 1780, were not actuated by the motives of faction or sedition; neither were the present petitioners so very insignificant as they were held forth to be. They represented the sentiments of eight great counties, which in number and property contained a majority of the whole kingdom; and he would venture to say, that of those counties who did not petition, a majority would be found who were congenial in their political sentiments.

An hon. gentleman who spoke lately, under the gallery, (Mr. Courtenay) said, that in every government of a mixed or popular form, the middle rank of people were those whose voice ought to be more especially attended to. They were the true echo of the nation; that, equally separated from the contagious influence of a court and the temptations of indigence, they were placed in a situation which commands respect and attention. This was an observation that indeed carried an appearance of truth and plausibility; but which experience, even so far as it applied to himself, proved to be totally fallacious. The sense of the people, or great body of the

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nation, was, in his opinion, the true criterion by which public opinion could be fairly determined. The people were now as well as then for the petitions, and he proved it by the most convincing of arguments, that of experiment.

He had been called upon by the citizens of Westminster in a very particular manner, before he had the honour to represent them in parliament. He was called to their public meetings, and was in consequence of that temporary connection, deputed by them to present a petition to that House. Having complied with their request, he presented a petition signed with 5,000 names. He was farther invited to represent them in parliament at the next general election: he promised he would offer his services when an opportunity should present itself. A premature dissolution soon after taking place, the moment arrived when it became necessary for him to consult his friends and to weigh the probability of success against the numerous obstacles which stood in his way. Some of his friends spoke to him in what they deemed the language of prudence, that although five thousand people had made choice of him to present their petition to parliament, he would find it a difficult matter to procure the suffrages of so great a number. They urged to him the powerful opposition meditated against him. They said enough to deter or discourage him from offering himself a candidate, but he knew the people; he persevered, and success was the consequence; for notwithstanding the great, natural, and family interest he had to encounter; notwithstanding the whole weight of administration thrown into the opposite scale; he, or rather the people, triumphed over every obstacle and every combination that was formed against him.

This was the consequence of the support of the people properly so called; they could not be bribed nor seduced; they were not to be corrupted nor deceived: nothing was left untried; it was a favourite object; but all the attempts made to defeat his election proved abortive. He was not supported by what is called the great, or what the hon. gentleman, under the gallery, called the middle class, but by the people at large, coming within all descriptions. And the motive which principally induced him to mention these circumstances was, to shew that the people were friends to the petitions; for besides ministerial power and family connection, no art was left unassayed to disparage and lessen him in the eyes of the people: but how was this done? Not a syllable relative to his having been an associator or a petitioner: no, his antagonist knew too well that such a charge as that would prove the strongest recommendation; that charge was carefully avoided, but a charge of a very different nature was urged againt him. It was said, he had voted for taking off some of the disabilities and severities inflicted on Roman Catholics, by the 11th and 12th of William 3. Not a word of petitions: his crime was, that he had been a favourer of Popery. If, wishing to prevent men from being punished for speculative opinions respecting religious matters were a crime, he gloried in the guilt, supposed to arise from acknowledging such an accusation. He certainly voted for that Bill; and when a most tumultuous, outrageous, and daring mob came to the doors of that House to over-awe parliament, and compel that House to a repeal of that act, he was one of the first who set his face against so daring an outrage. He was equally happy now, upon recollection, that he was likewise one who divided in a majority with the minister, in support of a Bill for putting that matter upon a clear, equitable, and permanent footing.

Yet, after every means used to lessen him in the opinion of his present constituents, he prevailed. His being a friend and promoter of the petitions, proved a sufficient recommendation, and he was satisfied that the same spirit directed the conduct of the people in every other part of the kingdom. He would appeal to every gentleman present, who stood in the same predicament with himself, if they did not find themselves successful in proportion as they had proved friendly to the petitions. He was convinced it was so; he had made every possible enquiry which could enable him to make a just estimate of the sense of the nation; and he had learned that fortune and success had uniformly attended those candidates, where a freedom of choice remained with the electors, who had been the promoters or supporters of their petitions.

The noble lord who spoke early observed, that the question was totally changed; since the last year, associations and committees appeared, not only in a speculative light, as tending to mischief, but had actually produced those mischiefs which had been so frequently predicted by

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several gentlemen in that House. The mischiefs he meant were the daring, dangerous riots or insurrections in the month of June; which, from their complexion and obvious tendency, were directed to the subversion of all government, to dissolve the constitution, and overturn all law.

He was ready to agree with the noble lord in his description of the riots, nay, to execrate, in the strongest terms, every step taken in that transaction, as well as to condemn the ministers, who were in fact, no matter whether by design, ignorance, or neglect, the real authors. Indeed, if mere appearances in the first instance, and consequences in the second, were to govern men's opinions, a man, without being charged with an ill-founded suspicion, would be entitled to say, that they were the premeditated authors of all those horrid mischiefs which had been perpetrated by that execrable and horrid banditti. As he proceeded, he should assign his reasons why ministers, at least, in this point of view, as persons interested in the event, might be well suspected; at present, he should content himself with urging the charge of mere ignorance and criminal neglect.

A noble lord, not at present a member of that House, was permitted with impunity, day after day, to use a language which, he would venture to affirm, was never before permitted to be used in a British or English House of Parliament, so long as the constitution was supposed to exist, or the three branches of the legislature were permitted, or not controuled by external force. It was not disorderly to mention the noble lord to whom he alluded: he meant lord George Gordon. That noble lord not only pointed out what he thought, under the then existing circumstances, ought to be done, on certain great questions of law and policy, but what, as far as he was able, he meant to carry into execution or meditated. His predictions were strictly verified. The noble lord was as good as his word. He told that House, if they did not acquiesce in his political opinions, that a certain class of people, whose director and whose mouth he was, would take the government into their own hands, and deal out that redress to themselves which ministers and the majority of that House professed an intention to deny.

The noble lord, in almost every debate, for months together, held out a repetition of this language, and a succession of threats. Was not this endeavouring to over-awe the legislature? Was not this attempting, so far as it went, to subvert the constitution? Ministers, nevertheless, remained silent and inactive. If these had been the reveries of an unsupported individual, ministers might have some apology; but the fact was, and it appeared by the Journals of the House, that there were great numbers, both in the metropolis, and in several parts of the kingdom, who united strictly in sentiment and opinion with the noble lord; yet all this time ministers seemed to be in a state of indifference to what was passing; they gave themselves no trouble, but seemed to be waiting for the event, either as if they wished for it, or were totally regardless of the consequences.

Immediately before that fatal event took place, an incident happened, which took from them all apology or pretence; for the noble lord so often alluded to, published an advertisement in all the newspapers, wherein the great out-line of his intended plan was faithfully delineated. He invited all the Protestant Associators, to the number of several thousands, to meet him, not in a house, or hall, but in St. George's-fields! His reason was curious; for, besides confirming what he had so often foretold, that the Protestant associating petitioners, by their own power and number, would redress themselves, and compel parliament to comply with the prayer of their petition, his lordship observed emphatically, that 'there was no hall in the metropolis capable of holding 40,000 men.' Three days successively did this advertisement appear, but still ministers slept. The day arrived; the petitioners, and the rabble who joined them, came down to the doors of that House, and fully and strictly verified his lordship's repeated predictions; and that House was no more—parliament was no more; convinced that there was nothing that those rioters could have asked, at the moment alluded to, which would not have been immediately and indiscriminately granted. Providence had ordered it otherwise; for certainly, such was the then state of things, that it was the interposition of Providence alone which could have rescued this country from total and inevitable ruin. The moment was critical; the people, stunned and astonished, began to recollect and recover their senses; they perceived the danger at hand, which ministers should have in time averted, and a combination of

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subsequent circumstances, of the most fortunate nature, united to save this seemingly devoted land. Riots of the most unheard of nature broke out in almost every quarter of the town; such, he believed, as never before broke out in any civilised country, in which the very mob got uppermost, and directed their savage attacks against every thing great, good, and respectable; against the sovereign power; the two deliberative branches of the legislature; the laws; and the magistrates appointed to administer justice in its highest as well as lowest forms. He would not enter into particulars; it would be painful; it would be mortifying. It was sufficient to observe, that part of this Gothic and inhuman rage was directed against his hon. friend below him, who made the motion; and that by the most unprovoked collection of lawless ruffians, and incendiary villains, he believed, that ever before disgraced any society since the first establishment of civil polity.

The noble lord's language, who had spoken early, might be applicable at a former period, when men's minds were agitated with hopes, fears, resentments, and vague suspicions; but he confessed he was astonished to hear his lordship draw, from a single fact, two conclusions direct or implied, which the fact by no means warranted. First, that the riots were the offspring of the petitions; and, secondly, that the mischiefs which were committed by the rioters, were a good ground for discouraging petitions in times to come. In the first place, he would tell the noble lord, if he was still ignorant, that no man more sincerely abhorred and detested the conduct of the rioters than the promoters and friends of the petitions, both within and without doors; that they were marked out by this banditti as the objects of resentment, as much, if not more than even ministers themselves; and that so far from hurting their interests as candidates in the several counties, cities, and towns which they wished to represent, the fact was directly the reverse; for the petitioners, almost to a man, succeeded; while it was known to the constituents, who sent them to this House, that both equally joined in a just abhorrence and detestation of those lawless ruffians, whose object was not reformation, but a dissolution or subversion of all government, and consequent anarchy, plunder, conflagration, confusion, and ruin.

He would not say, that the noble lord, who was the innocent or criminal first mover in those horrid outrages and Gothic barbarities, had any design; nor whether motives of a very criminal nature might not be concealed under it; but certainly suppositions were entertained, that he had been set upon this business by ministers, in order to strengthen the hands of government, then trembling and feeble. He did not look so far, and therefore formed his opinion upon *prima facie* evidence, that the noble lord was in earnest: but still he could not help observing, whether there was any communication or not between the noble lord and any of the heads of administration, because the friends of the same administration now contended, that the delegates, or petitioning representatives, of so respectable a body of the freeholders of England, are, if not directly threatened for assembling and acting as delegates, charged, at least, with the commission of a crime for so doing; and told, that they are amenable to the law for that conduct, and ultimately liable to punishment, though the advertisement alluded to, and the assembling in St. George's-fields, in consequence of that invitation, was what the ministry, and the crown lawyers have sincerely called levying war within the realm, which they afterwards worked up into a specific charge of high treason. When he said this, he did not mean to be understood as subscribing to this crown or ministerial law doctrine; on the contrary, it was clearly his opinion, that it was not sound: he only mentioned the circumstance, in order to shew in how much higher favour the noble lord stood with administration than the petitioners did in behalf of a majority of the freeholders of England. The noble lord, according to this ministerial doctrine of constructive treason, might meditate and announce an intent to commit treason, or actually commit it, so far as the intention could constitute the crime; while the present petitioners were in a manner proscribed for no other reason, than because they had presented a petition to that House signed by more than twenty names.

He should now go back, and make an observation or two upon what fell from the noble lord, so often alluded to. The noble lord said, the riots had secured to the minister a decisive majority in that House, particularly against any motion for reformation in the state, or innovation in the constitution, on account of the fatal

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consequences which the riots produced; and that men in power had displayed equal wisdom and vigour, in suppressing those commotions, as well as moderation in the exercise of that additional power with which the public preservation had necessarily vested them. The first assertion he had already fully answered, by demonstrating, that it was not the friends of the petitions who had any hand, directly or indirectly, in fomenting or committing the riots, but the ministers, by their shameful neglect and inattention, or from worse motives; and as to their wisdom or moderation, they were, he presumed, intitled to very little merit; or, if any at all, only that species or degree of merit which a careless or mischievous servant would be intitled to claim, who had permitted his master's house to take fire, and afterwards exerted himself in effecting its extinction; or perhaps the simile would be more fit and applicable, if he should say, of a servant who had wantonly set his master's house on fire, in order to establish a claim of favour, in proving his ability and skill in afterwards stifling it.

That the riots were a fortunate circumstance for this country he denied; on the contrary, it could never be recollected without a mixture of horror and regret; but he was ready to allow, that it was a most fortunate circumstance for ministers. At the moment that those riots commenced, administration were crumbling to pieces; and if they had been protracted, or had not happened, it must have suffered certain dissolution, as they would not have dared to meet the then parliament again, nor ventured to call a new one.

After having dwelt some time upon the circumstance that the breaking out of the riots operated to the political salvation of the minister, he next turned his attention to the imputed wisdom and popularity of the present administration. In contradiction to the first, he gave a correct outline, upon a small scale, from which it appeared that all our misfortunes were owing to the misconduct and fatal obstinacy of the King's servants, and as to their popularity, the pretence to any claim of that kind was out of the question. It was evident, he said, that they were equally mistrusted and despised, not only by the people at large, but what was more, by all the first characters in the two military professions, the navy and army, which presented a most melancholy and alarming aspect; because it involved this consequence, that when those appointed to deliberate, and those appointed to execute, were separated by distrust and want of mutual confidence, it was almost impossible that any measures should succeed, at least succeed to any happy or fortunate extent. Situated as this nation was, we required the most able heads to deliberate, and the most skilful hands to execute; but if men of the first talents in the profession were driven from the service, or discouraged from entering into it; if the moderate men felt this discouragement, nay, if the very avowed friends of government declined service, conscious that they could neither understand nor obey the orders or instructions under which they were to act: or, having obeyed them, that they were sure to stand unprotected by their principals, and be liable to public disgrace; where was the man romantic enough, however warm or zealous in his country's cause, who would dare to face such a variety of risks and difficulties, and that scarcely without the hope of being able to balance them by rendering the state any material service? It was out of nature—no such character could be found. He would however mention one exception, but that exception stood upon peculiar ground—he meant the gallant and fortunate admiral now in the West Indies, sir George Rodney, of whose high and meritorious services too much could not possibly be said; a man to whom his country owed every sentiment which gratitude and just admiration of his professional skill, and indefatigable labours, could suggest. But it was well known what channel, and by what means that officer was called into the service of his country; he had a near relation in administration; he would not say that was the channel, but he believed it was pretty well understood that he was not the choice of the noble lord at the head of the Admiralty.

He then, with great severity, attacked the whole body of ministers, and said he begged leave to make one exception, though the person meant was not in that, but the other House. As an hon. gentleman justly observed, early in the debate, that a man's independence was not to be measured by the greatness of his fortune, or the number of his acres, but by the frame and texture of his mind; by his disregard of trifles, or matters of little value, when weighed against public virtue. The man to whom he alluded, the Lord Chancellor, came within that

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description. He was able; he was honest; and he possessed a noble and independent mind. He was the only person who formed a part of the present administration entitled to the character. His reception and situation among his colleagues might be easily guessed. They hated him for his virtues, they envied him for his abilities; they teazed and thwarted him; they took every occasion to make his situation uneasy. But from his own great mental resources his spirit broke forth, expressive of the injuries intended, and the contempt in which he held them.

The hon. gentleman (Mr. Courtenay) who possessed the happy knack of perceiving every object in all points of view but its true one, had, in his peculiar stile of ridicule, though by the grossest perversion of common reasoning and common sense, concluded, that those whom he stiled opposition, or with whom he had the honour usually to vote and divide, always exulted when bad news was received; because the more adverse our affairs turned out, the more unfortunate we were, the more likely the credit of the ministers would be affected, and of course the greater probability there would be of a change of administration. Now, if the hon. gentleman had been in the least acquainted with the subject, he would have drawn conclusions of a direct opposite nature from the same facts. He would have argued, that the more unfortunate and disastrous we were, the greater likelihood there was of the present set of men remaining in office. It was their blunders, misconduct, and misfortunes, which had proved their best recommendation. In proportion to each, their support and power had increased, and if any just or certain estimate could be at all made, or drawn from experience, as soon as the public affairs came to be wisely or successfully administered, from that very moment their power, consequence, and existence, as ministers, would be at an end.

He expressed his astonishment, that gentlemen, particularly such of them as had sat for any considerable time in parliament, should have so far mistaken its true nature and essence. It was observed, with much decent solemnity, that the last parliament was no more; and that the present differed from it in many of its features, and in none more than upon the question now before the House, respecting petitions and a redress of grievances. He differed widely from those gentlemen who reasoned in that manner. He had sat in the first session of the last parliament, and he well remembered the temper of the House, and the decided, nay, very extraordinary majorities, by which the minister carried almost every question. He had lived long enough after to see the opinion of the House nearly in equilibrio upon the presumed merit or demerit of the same minister. He was a witness to the same House resolving, that the influence of the crown had increased, was increasing, and ought to be diminished; and that it was the duty of the House to give immediate and effectual redress to the grievances of the people. These were some of the leading features of the last parliament. When, therefore, gentlemen drew conclusions from the declared sense of the House, in the first session of a new parliament, he wished to remind them that many things happened in the first session of a new parliament, which, perhaps, did not convey its present sentiments, much less held out a pledge to ministers that the prevailing sentiments of the time were genuine, or promised to be permanent.

In the heat of contest, in the diversity of opinion, it was impossible to speak with certainty and precision. He doubted not, but some who voted in the last parliament might have had their particular reasons on both sides of the question; but, making all fair allowances, he looked upon himself intitled to say, that whether the resolutions of the last sessions were owing to its verging towards its natural demise, and those of the present session owing to their being rendered for seven years independent of their constituents, still a great, numerous, and respectable body of men stood forth the champions of the people and the supporters of the popular cause; the same men, who had remained unshaken in the most mortifying, unpleasant and discouraging situations, would, whenever occasion rendered it necessary, act in any other capacity which the voice of the people, the urgency of the times, or a call of duty, might render necessary. Their resolution, their manliness, their perseverance, had been manifested in their senatorial capacity so often, that it would be needless to dwell upon the subject, or enter into particulars. The same mind, the same sentiments, the same stile of thinking, and acting, would suit itself to every proper occasion which might present itself. The persons he alluded to

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acted from conviction, from a sense of duty: they were neither to be frightened, seduced, misled, nor corrupted. The same fortitude which had carried them through so many trying situations, fitted them for scenes of greater activity and more personal hazard. His hon. friend (general Burgoyne) who had expressed himself so nobly, in the early part of the debate, had almost precluded him from avowing his own particular sentiments; but as he was on the subject, he thought he could not better express them, than by adopting those of his hon. friend, which were, that as he had devoted his talents to the people, and of course to promote the good of his country, so whenever he should be called upon by them, both were at their service to command, so far as the constitution and the laws authorized the call and acquiescence; he meant so soon as any direct inroad was made on that occasion, and those invaluable blessings and privileges it was meant to secure and defend.

Public virtue, he made no doubt, would always in the end triumph over public perfidy or want of principle. Men of talents and sincerity had nothing to intercept their view of distant objects; nor were liable to have it distorted, or misrepresented, through a false medium. This was the case of his hon. friend near him (Mr. Burke) which appellation he deemed one of the greatest honours that fortune could bestow on him; a man, who, with the virtue of one of the best citizens in the most virtuous and unsullied times, united the abilities of the first rate orator; the mind and extensive knowledge of a philosopher: the learning of a real scholar; the manners of a gentleman; the humanity of a moralist; and the charity of a Christian. Yet no one had suffered more. To his knowledge he had been hurt in a peculiar manner; in such a manner, perhaps, as no person but one of his frame of mind could withstand. His hon. friend disregarding all local prejudices, or personal motives, was of opinion, that the people of Ireland were intitled to the rights of humanity, and consequently commerce, which were included in those rights. He differed from his constituents the citizens of Bristol; as he had the honesty to tell them, so he had the fortitude to act up to his avowed sentiments. Ministers were deaf; this nation was infatuated; it was blinded by prejudice and a narrow policy. What was the consequence? That justice which could not be procured even by his eloquence, was sought and procured too in another manner. In what way? By the point of the bayonet. The associations in Ireland obtained by their bayonets what neither the noble labours of his hon. friend, the calls of justice, the claims of humanity, public gratitude, nor sound national policy, could effect. Ireland redressed her own wrongs; she healed her own wounds; she took a kind of satisfaction for her own injuries; she was, in short, free; she will be happy, for she has sixty thousand bayonets, ready to point to the breasts of her enemies, in case any attempt should be made to snatch from her her natural rights, to turn a deaf ear to her just claims of rank and protection.

The noble lord on the same bench with him (lord Maitland) had afforded him great satisfaction. His lordship well said, that we enjoyed nothing, the instant he was speaking, but what we derived from committees and associations. We were indebted to them for the Revolution, and all the consequent blessings, advantages, and benefits which flowed from that transaction; for the Hanover family; the Act of Settlement; and in short, for every privilege we possessed as Britons, freemen, or Englishmen.

He entered pretty much at large into the subject of the promised advantages which might be expected from the appointing a commission of accounts; and seemed to be of opinion, that nothing serious or really useful was intended. He contended, in point of law, for the propriety of appointing committees, associations, and delegates. He could not help entertaining the House, before he sat down, he said, with a private anecdote. He knew it was not proper to relate private conversation; but as he meant to suppress the name of the gentleman, he hoped he should stand acquitted in the opinion of the hon. gentleman to whom he alluded, as well as to the House. He was questioned by his friend relative to the signing the present petition; he hoped it would not be prophetic of its fate; but when his friend spoke to him, he told him, "If you should sign it as a delegate, by heaven you will be hanged; if as a petitioner, by heaven, you will be laughed at." He did not run the risk of being hanged, for the reason before assigned; he now only ran the risk of being laughed at.—After drawing a parallel between the administration of sir Robert Walpole and the

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present, and endeavouring to prove the legality and right of the delegates to petition, he observed that the learned Solicitor General had been taking notes all the evening, and was apparently preparing to rise to answer him. By what he had before observed, it was plain the learned gentleman was puzzled, as he had for upwards of 14 months been making up his mind. He hoped he had at length taken a decided part, and that he would not go away, as had been customary with him heretofore, without voting; and for this reason, if for no other, that an hon. gentleman near him (Mr. John Townshend) who, though intending to prosecute the study of the law to which he had yet dedicated but two years of his time, informed him in a whisper, that he intended to vote for the question! His hon. friend was the learned gentleman's colleague; he hoped, therefore, that the learned gentleman would emulate his colleague, and determine in his own mind, one way or the other, whether or not petitioning was illegal.

Mr. *Solicitor General* (Mansfield) said, that before he proceeded to debate the question, he wished to set the hon. gentleman right, as to a fact which he had stated with great confidence. The hon. gentleman had represented him as doubtful whether the freeholders, citizens, and burgesses of this kingdom could constitutionally present a petition for redress of grievances. The hon. gentleman said, he had been 14 months making up his mind on the subject; that he had hitherto declined to give a decisive opinion; and by the preparations he was making, the hon. gentleman expected to hear him that night, for the first time, give a specific opinion, and seal it with his vote, which he had always hitherto withheld. The truth was, that the opinion he meant to give that night, was the same he had declared upon a former occasion, when the question was first agitated; and that was, that the opinions alluded to, were not upon the legality of presenting petitions, but the mode, propriety, or necessity, of framing and presenting them. As to his having spoke on a particular evening, and having gone away before the question was put, it was true he had done so; but his motives were misconceived: he had sat till 12, and as he foresaw that it would be a very late night, and finding himself indisposed, he thought proper to retire before the division took place. So much he thought proper to say, in point of explanation, which fairly amounted to this; that the opinion he should deliver that night was the same he delivered last session. He had neither hesitated then, nor since changed his mind; and it was not his doubts, but the reason which he had assigned, which was the cause of his going home before the house divided.

He next proceeded to demonstrate, that the petition did not come before the House in such a manner as to entitle it to be sent to a committee. In one sense it imported to be no more than a petition signed by 32 persons, who he was ready to acknowledge were men of the utmost weight and respect; but, as individuals, by no means of that weight as to entitle them to be considered equal to a majority of the freeholders of England. Take the petition in another point of view; that the petitioners being delegates of eight respectable counties, their petition was such, as fully justified the motion of the hon. baronet. For his part, after having made every inquiry, and used all the industry he was master of, he was still a total stranger to the grounds on which the delegates could come to that House for redress. They were a description of men unknown to the constitution; but granting for a minute that they had a political existence, had the House any evidence how they came to be constituted; how, or by whom they were appointed? If, by committees, who appointed them committees? These were questions which would naturally suggest themselves, and which would require to be satisfactorily answered before any judgment could be formed how far, if fairly appointed, they were legal, or their petition could be received by that House; or, if legal, whether they were a faithful representative of the county, city, &c. by which they were supposed to be delegated?

So much had been said by other gentlemen, relative to the possible danger or mischiefs which might flow from the House paying an attention to the petition, as coming from the delegates, that he should add very little on that subject; that it was a matter of mere speculation, whether the associations so often alluded to, had any tendency that way or not. Those, who argued against such assemblies, he had a right to presume argued from what they deemed just and well founded apprehensions. Those who approved of them, at least a great majority, it was fair likewise to presume, thought them legitimate

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and praise-worthy. In reasons and arguments thus balanced, he would just observe, that though the measure should be necessary, it was attended with danger; because when such associations were entered into, when the minds of men were agitated, and carried forward to objects of reformation, and in some instances of avowed innovation, no man could say where it would end. National ferment once created was not easily quieted; and the views of the ablest men might be obstructed, and themselves overborne by that power to which they had undesignedly given an existence, in order to promote the most beneficial purposes; but which in its exercise might be employed not to the maintenance, preservation, and improvement, of the constitution, but to its utter subversion. He would suppose, for an instant, that the prayer of the petition was reasonable; that parliament should nevertheless turn a deaf ear, and refuse the redress sought; and that the delegates were vested with a legal and constitutional authority, to controul or compel parliament to an acquiescence in their desires. He would defy the hon. gentleman who spoke last, to point out the means of reconciling this power to the existence of the constitution; or argue upon any one possible supposition which would not radically affect every claim to property, rank, and all kind of political establishment, if the rights of parliament were, as they must in the event be, either suspended or subverted.

The hon. gentleman, in speaking of the conduct of the people in Ireland, had made the eulogium of the associators of that kingdom in the most strong terms. He was convinced they justified by their conduct every thing the hon. gentleman had said in their favour; but he differed widely with him as to the ground of merit. He approved of the conduct of the Irish associators, for their waiting with temper and confidence for the redress of their grievances till affairs were ripe in this country, and till it might be expedient, consistent with the peace and happiness, and consistent with the duty and wisdom of government, to administer relief. The hon. gentleman said, that it was the persuasion conveyed by the points of 60,000 bayonets, that made converts of the British administration: he denied the fact, and the conclusion drawn in the manner and for the purpose stated. That the people of Ireland had armed and associated, was well known; but that they armed and pointed their firelocks to the breasts of Englishmen, or against this nation, he never would allow. They armed for their own defence, against the foreign and inveterate enemies of their country, not against their brethren in England or their sister kingdom; in order, in the midst of her distress, perils, and embarrassments, to extort concessions from her destructive and totally subversive of the natural and political union subsisting between them. Such a conduct, to call it no worse, would be base, unmanly, and uncandid. It would be beneath a generous nation, and unworthy of her well known national character. The truth was, a narrow exclusive policy had prevailed in this kingdom, as unwise as it was unjust. The persons composing the British ministry saw the interest of both countries in its only true light; they perceived it could be only founded in reciprocity and a mutuality of benefits, and that it was mad as well as cruel to deny to that country its natural and geographical advantages; the nation at length adopted their sentiments; the consequence of which was, that the two kingdoms, which had been always firmly united in affection and political connexion, were now equally united by the strongest and most indissoluble tye, that of interest.

He could not avoid taking notice of some strong expressions, which were nearly connected in arrangement and sentiment with the opinion entertained by the hon. gentleman, of the use the people of Ireland intended to make of the 60,000 bayonets. The hon. gentleman said, that in the course of a long and unsuccessful struggle, made by him and his friends in opposition to the measures of the present administration, a firm, compact and impenetrable phalanx had been formed, whom no mortification or disappointment could discourage, no temptation seduce, and no exertion of power, however formidable, appall or subdue. The hon. gentleman went still a step farther; he prophesied, that the same men, possessing the same minds, if called upon by the people, were ready and willing to obey that call whenever it should become necessary. This was strong language indeed! or it imported nothing. It could not allude to a perseverance in a mere parliamentary opposition, such as the hon. gentleman had so repeatedly promised, and in the instant he was speaking, had pledged himself to; if it was to be received in any sense, it must

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be, that the hon. gentleman, and his hon. friend, who held the same language early in the debate, (general Burgoyne) were ready, without any qualification whatever of the motives or justice of the call, to seek redress in some manner, not as yet defined or prescribed by the constitution. Both those gentlemen were delegates; they had both signed the present petition as individuals; if for no other reason then, he should be against giving way to the desires of persons, who, while by their petition they acknowledged the supremacy of parliament, seemed to think parliament to be a subordinate power in the state, when they professed their readiness to gratify the wishes and obey the call of the people, when the people should think it necessary or expedient.

He said, while he totally condemned associations, committees, and delegations, for the effecting certain purposes, he must agree that the riots, in the month of June, were not produced by the petitions presented to that House in the preceding spring. He coincided in sentiment with the hon. gentleman, and was persuaded they had not the least or most distant connection. He only dissented from the hon. gentleman in one circumstance, relative to what he was pleased to call the crown or ministerial doctrines, respecting treason, within the statute of the 25th Edw. 3, for he took it to be clear indisputable law, whether the offence was called positive or constructive, it had from that time downward, to the instant he was speaking, been held as law, that over-awing the legislature, and thereby compelling it to enact a new law, or to rescind or repeal an old one, whether the force was arrayed, armed, or unarmed, was deemed a levying war within the realm, and consequently was included in the description of that species of treason, as provided and declared by the statute of the 25th Edw. 3.

The hon. gentleman had arraigned the conduct of ministers in very severe terms; and, as usual, adduced the American war as a proof of it; and supposed, that every person in that House, who supported it, had done so upon the most abandoned motives. It was not his intention to defend the character of the noble lord in the blue ribbon; but this he would say, that the American war was become necessary, and called for no such aid as corruption or self-interest for its support. The hon. gentleman supposed, that but for motives of self-interest, for the possession of power, place, and emolument, for contracts, douceurs, and subscriptions in the loan, 99 out of 100 of those who heard him would unite in reprobating the war. A learned friend of his (Mr. Dunning) on the day he carried his resolutions so often alluded to in the debate, (6th of April, 1780) made use of an argument of a similar kind. He referred the committee to the language held out of that House; to private conversations, or conversations in the street. He confessed, such a species of proof did not bring home conviction to his mind. He was not taught to collect the sentiments of men acting in a public capacity from a random computation of 99 out of 100, or from whispers, or private colloquies, or running conversations in the street. He had learned to measure the real opinions of public men by a very different standard; namely, by their public conduct, for which they were only responsible to their country and constituents; not to their private conduct, of which, as senators, no man could properly know, nor of course judge or decide upon.

He could, however, say a few words from what he felt from his own immediate experience. He was free to declare, that from the beginning, he disapproved of the American war, and the principle on which it was commenced; and foresaw, in a great measure, all the disastrous consequences which followed. He was free likewise to declare, that it was the most unfortunate war; but when he said this, he begged leave to add, that the question was entirely changed. The war, though operations were carrying on in America, could not, properly speaking, be deemed or called the American war. From the moment France declared and openly took a part in the quarrel then subsisting between us and our own subjects, it was no longer civil dispute between the sovereign power and a part of its subjects, but in every sense a war waged with our foreign enemies, no matter where the scene was changed. When, therefore, he saw a majority supporting the American war, he could easily conceive, that their reason was to crush the various enemies of this country, who were all struggling for that object. The learned gentleman concluded with declaring, that though he was an enemy to associations, there were occasions when they might be legal, and when even resumptions would be constitutional.

Mr. *Dunning* replied to the arguments

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of the gentlemen who had contended for the illegality of associations and delegations; and, with his usual energy and precision, supported this great privilege of the subject, as strictly conformable to the spirit of the constitution, and not contrary to the letter of the law. The learned gentleman who had spoken last, found it necessary to begin with explanation, that he might not end with inconsistency. Undoubtedly, the learned solicitor had enough of ingenuity and good sense to discover that indecision was no longer necessary to success; and that, as he had gained his point without doors, it was now his business to make himself useful within, and to exert those great talents which he had so laudably improved by study, in the service of that minister, whose penetration had raised him to his present rank. It was, therefore, idle in gentlemen to remind him of former inconveniencies, since it would be no reason for present or for future deviation. The learned gentleman, when it was necessary, had seasonable indispositions; and who would say, that twelve o'clock at night was not a becoming hour for all good men, and especially for a solicitor general of England, whose office required from him the duties of admonition and example, to go to rest! He had not a doubt but the learned gentleman would in future prevent the possibility of retrospective accusations; and after having adopted his line, though he was slow to choose, would be steady to pursue. He would not wish that the learned gentleman should on that, or any night, be attacked with indisposition; but he would beg leave to recommend to the learned gentleman, as it was already approaching to the hour of twelve, to observe the decorum which he seemed on every occasion so much to admire, and leave the division to those men who, even before the general election, were confident or unwise enough to take a decided part.

Great abilities and greater industry had been exerted, he said, in the vain endeavour of maintaining, that associations, committees of correspondence, delegations, and petitions, to that House, signed with more than twenty names, were contrary to law and the constitution. He was sorry to see talents and industry employed so idly; but indeed it required both to give any thing like a colour to such a doctrine. After what had been so ably advanced by gentlemen on the same side, it would not be necessary to enter into a tedious repetition of the question of law. It was a clear fundamental point in the constitution of the country that the people had a right to petition their representatives in parliament, and it was by no means true, that the number of names signed to any such petition was limited. The Act, which passed in the reign of Charles 2, prohibiting, under the penalties therein-mentioned, any petition to be presented to the King, or to either House of Parliament, if signed by more than twenty persons, for altering the religion or the laws, was completely repealed by that article in the Bill of Rights, which declares it to be the right of the subject to petition. If this article meant any thing, it meant to restore to the people that great privilege which the Act of Charles was calculated to abridge, if not to take away. The House, in deliberating on this point, ought to refer to the cause of that declaratory article. The abridgment of the privilege of the subject, by the Act of Charles, gave rise to the demand on the part of the people, and the declaration on that of the crown; in consequence of which the privilege was restored, and the right established again in all its force. To argue that the Act of Charles was now in force, would be as puerile and absurd as to contend that the prerogative of the crown still remained in its full extent, notwithstanding the declarations in the Bill of Rights. The same argument went in favour of prerogative that was alledged in favour of the Act of Charles. If, then, it was true, that the people of this country had a right to petition the legislature, they had a right to assemble together for that purpose, and while their meeting was sober, peaceable, and orderly, it was strictly legal.

But it was said, that associations were unconstitutional, and committees of correspondence and delegations: arguments were drawn from the Scottish history to prove that they were dangerous, and from the history of France to prove that they were unconstitutional; the learned gentleman, who had taken this method of supporting the proposition had betrayed its poverty; he must indeed, be pressed for arguments, when he had recourse to the example of countries, which were either involved in despotism, or torn by disorder, for the proof that was required. In this kingdom it was the pride and the happiness of the people, that the laws considered the intention, and the guilt or the innocence of an action depended on

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the *quo animo* with which it was committed. Associations, committees of correspondence, and delegations were not criminal, merely because they were such, but their illegality was deduced from the intention with which they were formed, and the design which they had to pursue. There were many associations in this country patronised even by the crown and recognised by the legislature. Associations for the purposes of commerce, of benevolence, or of science; there was nothing terrible in the name, nor would they either be a bit better, or a bit worse, if they were to assume any other name, and call themselves companies, congregations, bodies, assemblies, or even congresses; every thing depended on the nature of the institution. If an association was begun for the purpose of curtailing the legislature, of destroying one of the three constituent branches, of dethroning the king, of resisting the execution of the laws, of altering the established religion of the empire, or in short, of committing any violence contrary to the constitution, and subversive of order, government, and domestic peace, it was certainly illegal and highly criminal; it was an association which ought to be resisted by the civil authority, and suppressed by the intervention of the laws; against such an association the laws had sufficiently armed the executive power, and ministers would be traitors if they suffered either by wilful treachery, or blind negligence, such an association so far to grow and strengthen itself, as to be able to surround the parliament, and with arms and military array over-awe their proceedings, and force them to what they pleased; but an association even of this nature would be legal in certain circumstances; if even a period should arrive, when the three branches of the legislature, the King, Lords, and Commons, should by an unconstitutional coalition meet in one mass, and fail to have distant opinions, and distant independence; if the Commons, forgetting their origin and their duty, should become the slaves of either or of both the other powers, then it would be no longer illegal for the commonalty of Britain to resume their just share in the legislature; and the means by which they accomplished this, whether it was by associations, by remonstrances, or by force, would not only be right but laudable; it would be an honourable imitation of the conduct of their ancestors, by which their constitution had been wrested from the rapacity and from the violence of prerogative; in short, associations were always to be justified or condemned by their intention; and in order to form a just estimate of those which had lately been formed in the most respectable counties in England, it was necessary to inquire what was their purpose, and what had been their proceedings; had they been sober, quiet, and peaceable in their department? or had they by acts of riot and violence menaced the legislature, or disordered the community? Their greatest enemies could not charge them with uproar, or even with heat; their proceedings had been grave, deliberate, and orderly; they had met to exercise a lawful right, that of petitioning their representatives in parliament: and in doing this, they had observed the most steady decorum, and the strictest regard to public tranquillity. The express tenor of their associating, was to support, by legal and constitutional measures, their petition to parliament for the redress of their grievances; until they deviated from this resolution, and were guilty of measures illegal and unconstitutional, the imputation could not be thrown upon them: but they had formed committees of correspondence, and those committees had appointed delegates, and from this measure conclusions were drawn against them. Before a hasty decision was made however, it was fit to see whether there was anything in the delegations different from that body which formed them, and from which they received their powers. Was their purpose different? No; it was confessedly the same. What was the nature and extent of their powers? To endeavour by all legal means to give effect to the petitions of the people; the instant they went farther, they went beyond their powers and lost the title which they had received. Was there ever a petition presented to that House, when there were not some persons, more or less in number, in proportion to the importance of the object, delegated to attend the progress of the petition, charged with instructions to concert, advise, and agree on the best means of accomplishing the wishes of their constituents? Was this illegal? Certainly not; it was practised every day, and whether such persons had the name of delegates or of agents, was a matter of perfect indifference: the appointment was the same, as well as the design, and they were both to be brought under the same

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decision, either of legality or illegality. All this the learned gentleman thought proper to say, although he knew it to be foreign to the question, because it had been the foundation of all the arguments against the petition on the table, that it came from men, who in another place, but not in that House, were suspected by some persons, who, upon most subjects would not admit of suspicion or even of notoriety as a ground for argument, to be delegates; it was ridiculous to set up such a reason; there were no delegates before that House, they knew of no delegates, and they could reject no petition on account of its having come from delegates, because no such petition had come, nor was before them. The learned gentleman contended that the House ought to agree to the motion as a matter essentially due from them to the almost unanimous requisition of their constituents.

Mr. Attorney General *Wallace* spoke in answer to the learned gentleman, and disagreed with him in his idea of the repeal of the Act of Charles 2, by the declaration contained in the Bill of Rights. It was true that the Bill of Rights declared that it was the right of the subject to petition, but it by no means said that it was their right to petition in great bodies; and by its silence it seemed to acquiesce in the Act of Charles, rather than to repeal it. He referred to the opinion of lord Mansfield, among other law authorities on this point, and quoted his words, on the charge delivered by him to the jury on the trial of lord George Gordon. He said the clause mentioned in the Bill of Rights had reference only to the case of the Seven Bishops who had been brought to trial for petitioning James 2, relative to his proclamation for liberty of conscience, issued under that pretence, but intentionally to favour his popish subjects, who laboured under numerous disabilities created by restrictive laws.

Lord *Mahon* rose to explain why his name was not signed to the petition. It was from no dread of the consequences, and from no difference of opinion; but he did not clearly know whether his instructions authorised him to go so far. His instructions as a delegate from the county of Kent, were to advise and concur, not to petition.

Mr. *Turner* argued warmly for the petition, and commented with severity on the argument of those who had endeavoured to bring objections to the motion, by calling associations illegal. He reverenced associations: it was by associations that we were made a free people; and if ever we were to be delivered from our present situation, and restored to what we were, it must be by associations.

The House divided:

Tellers,

Yeas	Mr. Byng - - - - Mr. J. Townshend -	135
Noes	Lord Sheffield - - Mr. J. Robinson - -	212

So it passed in the negative.

Debate in the Commons on the Affairs of the East India Company.] May 9. Lord *North* apologized to the House for being once more under the necessity of moving to discharge the order, for taking the affairs of the East India Company into consideration; but such was the state of the negociation between him and the directors, that though he could not say with certainty that propositions were made on their part, which he, as an individual member of parliament, could undertake to pronounce altogether fit to be submitted to that House, yet there was a great probability of such propositions being before him in a few days. He therefore hoped the House would permit the order to be discharged, and renewed for that day week.

Mr. *Burke* rose with a degree of unusual warmth, and said, it was high time the noble lord should determine the business one way or another. Were they to have the matter of a renewal of the Company's treaty submitted to them this year, or were they not? It was idle, and a contempt of parliament, to talk, on that day, of bringing a subject of so much importance before the House this session. Gentlemen knew what sort of attendances were likely to be given after that day, and if they had turned their minds to the subject at all, they must be convinced that the affairs of India formed a consideration extremely intricate, weighty, and comprehensive; a consideration which would require much discussion and much enquiry. For the noble lord, therefore, to come down week after week, and say, the directors were not ready with their propositions, was treating parliament with contempt; the directors perfectly well knew what sort of bargain they could afford to agree to; it was absolutely trifling with the House, to ask for another week. Did

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he mean really and *bonâ fide* to inform the House next Wednesday, how matters stood between the public and the Company, or did he not? It was high time that an end should be put to the fallacy. The minister well knew that the charter must be renewed: and therefore though Leadenhall-street might be to blame for being so tardy, still the minister was not less so for not bringing the matter before parliament: the business was, perhaps, of the greatest magnitude of any that had ever been discussed within those walls, yet there was not a single paper moved for, by which the House could be directed in forming a judgment: they perhaps would be called upon to declare to whom the territorial acquisitions and the revenue in India belonged, whether to the Company or the crown; and they had not a single document before them, which might assist in forming an opinion on the subject. It looked therefore, as if the minister wished to cheat them into a judicial decision, without suffering them to hear evidence. The minister was endeavouring to draw a revenue from the Company, but was he taking any steps to secure them from bankruptcy, by supporting their credit? Whatever might become of their investments, if the territorial revenue was taken into the hands of the crown, Bills must, and would come, from India on the Company; their credit must be supported, or the idea of a revenue would be absurd. The House ought either instantly to come to the subject, or to call for such papers as would give them an opportunity of informing themselves on the point, that when they came to discuss it, they might not be as much embarrassed as the noble lord in the blue ribbon seemed to be. His conduct on this occasion had been highly disrespectful to the House as well as injurious to his country; and when the present motion was disposed of, he should think it would be proper to move that the House should on Wednesday next proceed to enquire into the conduct of the noble lord in the blue ribbon, with respect to the East India Company.

Mr. *Jenkinson* said the noble lord had treated the House with every possible respect. He had given timely notice of what he thought it necessary to state to the House upon the subject. Since the holidays, the noble lord had opened the business pretty largely, and had informed gentlemen how matters stood at present, and what he considered as the proper mode of proceeding. With regard to the renewal of the Company's charter, he conceived it would be better to settle that business this year than put it off to another session; a variety of reasons would offer themselves to gentlemen's minds in proof of this assertion; and they must see, that in the agitation of a treaty of that kind, some time must necessarily be spent.

General *Smith* contended, that it would be wiser, considering the present uncertain situation of the Company's affairs in India, to bring in a short Bill, for continuing the Company's charter one year longer, than to make any definite bargain just at this crisis. At present the Company were uninformed as to the real state of their affairs in the Carnatic, and of the late irruption of Hyder Ally, and consequently could not with certainty fix their ability to make a bargain which would be of advantage to the public. By the next year all this doubt would be removed; the Company would be perfectly masters of the late transactions in India, and could better say, to what they were enabled to accede.

Lord *North* expressed his astonishment at the warmth with which Mr. Burke had spoken, and said he was not conscious of treating the House with contempt. He was sure nothing was farther from his intentions; and, with regard to the East India business, he could not but imagine the hon. gentleman had misunderstood him, since no part of his conduct appeared to him to merit the least reprehension. He had given notice before the holidays, of his intention to open to parliament certain matters relative to the present situation of affairs between the East India Company and the public. That notice he had been induced to give, in consequence of the Company's not having offered propositions for a renewal of their charter, as he expected they would have done. In pursuance of that notice, he addressed the House soon after the recess, and stated a variety of relative facts. Since that day the chairman and deputy chairman had been with him, and a good deal of conversation had passed upon the subject, which he was given to understand would be, between this and Wednesday next, submitted to the judgment of a general court of proprietors. It appeared to him, that matters might be put into some sort of train, by a negociation being agitated;

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and when they were so, he meant to submit the whole to the House, who undoubtedly were alone competent to ratify any bargain.

The order of the day was discharged, and it was moved, that the business be taken into consideration next Wednesday, which was carried.

Mr. *Burke* then rose, and said, he knew not whether he should conclude with a motion or not, but possibly a motion might grow out of the conversation, and that would be perfectly consonant with the order of parliamentary proceedings. He then went into a warm discussion of the present state of the India Company's situation, and asked the noble lord, whether, beside making a new bargain with the Company, which must, he said, be a bargain in the air, he had turned his mind to preparing a sufficient support for the Company's credit, supposing that on the arrival of news from India, bills should be drawn on the Company to a large amount, and a substantial support from government should be found necessary? He said it was notorious that the commerce of the Company was not a source of great profit, that all their presidencies were in debt, and that bills would be drawn upon the Company, in Leadenhall-street, for the investments of the ships now on their way home. He stated the necessity of keeping up the credit of the Company, and strongly urged it as a matter worthy the noble lord's most serious consideration. He contrasted the conduct of lord North also with the conduct of the Company, and contended, that though the noble lord did not seem to have taken the proper pains about the business, the Company, as soon as they knew it was to come before parliament, had chosen committees, and referred the whole to their inquiry and examination. The noble lord ought to have been ready, for he knew the business must be brought forward, and he had scarcely any other matter of importance to engage his attention all the session. Were gentlemen in any degree prepared to enter into this business; which, from its complex nature, and extreme delicacy, required the steadiest heads and the firmest hearts? In 1767, when this matter was fully and maturely investigated, there was a body of evidence, and an inquiry, which enabled gentlemen to go into the business with some degree of knowledge; but of the few who attended to that inquiry, he believed there was no one who now remembered it. He apologised for the warmth with which he had spoken, and desired the House not to impute it to bad temper, but to its true motive, a little elevation of that spirit, and that indignant feeling, which every member of parliament ought to glow with, when he saw the minister insult the House of Commons, and treat it with contempt.

Mr. *Dempster* rose, to add his persuasions to those of general Smith, that the noble lord in the blue ribbon would not think of driving a bargain with the Company for the renewal of their charter, just as circumstances stood at present, but would leave them the little remains of commerce which they yet enjoyed, as a source of provision against the difficulties that were to be expected, and continue the charter for another year by a short Bill. He reminded the noble lord, that the potentates in India were at once merchants and princes, and that depriving the Company of all their cash, and exhausting their treasury would be a most dangerous expedient. —The conversation here dropped.

Debate in the Commons on the Reports of the Commissioners appointed to examine the Public Accounts.] May 10. The order of the day being read, For the House to resolve itself into a committee for the purpose of taking the Reports, made by the Commissioners appointed to examine, take and state the Public Accounts of the kingdom, into consideration,—the four reports made by those commissioners were referred to the said committee.

Lord *North* then rose to enter into the investigation proposed. He began with observing, that the four reports had lain so long upon the table that no gentleman could have failed of seeing and examining them minutely; and therefore the committee would not think it was now too early to move some resolutions grounded on those reports. The commissioners had wisely and prudently followed the rules prescribed to them by the act under which they were constituted. They had first inquired into the receipt of the public revenue, to see whether there were any sums in the hands of the receivers, which ought to be paid into the Exchequer, and any errors in the collection, any waste or extravagance which ought to be amended. They then inquired after the money in the hands of the paymasters, or their executors, to see what part of the same might be paid in and applied immediately to the public service. In the first of these inquiries,

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undoubtedly, there was not so much to be expected as in the second. The perception of the public revenue was as simple and œconomical, if not more so, than that of any other country, and few regulations could be made in its reform of any material advantage to the public; but at the same time there certainly might be amendments proposed, there might be inconveniences removed, which had crept in, from time to time, and had grown imperceptibly into abuses. They had first examined into the receipt of the land-tax, which being the most material branch of revenue, naturally occurred to them the first, and was, in fact, pointed out to them by parliament. Their first report was totally on this subject; they had inquired very narrowly into the system and management of this part of the public revenue; and after stating the sums that were in the hands of the receivers, gave an opinion, that measures should be taken to oblige them to pay in the money to the Exchequer sooner after the collection than they had been in the habit of doing.

The land-tax was collected by persons not under the immediate controul of the Exchequer, but there was an officer subject to the examination and orders of the Exchequer; and that was, the receiver-general of each county. Now, it appeared, from the report of the commissioners, that there were certain sums of money in the hands of several of the receivers-general, which ought to have been paid into the Exchequer. This was undoubtedly a fact, but it was thus to be accounted for; a custom, as old as the land-tax itself, had uniformly prevailed to suffer a considerable portion of the receipt to remain in the hands of the receiver-general, and for this reason, the poundage allowed was not deemed by any means a sufficient remuneration for their trouble. That this custom was sometimes carried much too far very probably might be the case; but the general excuse made by the receivers-general, when they were written to, on the score of complaint of their delay in remitting the collection, was, that they found an extreme difficulty in procuring bills. This excuse might have some foundation in it. Indeed, he himself had frequently had the same made to him by his steward in Somersetshire, who had defended his not remitting him the profits of his estate sooner, by imputing it to this difficulty of procuring bills; but there might also be, and he believed there was, a considerable portion of pretence in the argument, and the receivers-general frequently used it when it was not strictly true. At the same time that he said this, it was necessary to state, that the receivers-general of the county in which they were then sitting, and of the city of London, always paid in the full amount of their receipt as soon as the money came into their hands; and the reason was, the sum was so large, that the poundage upon it was an ample remuneration, and they could have no excuse to make on the subject of procuring bills. The receiver-general also of the county of Kent did the same, and probably for the same reason, his receipt amounting to 80,000*l.* But there were counties in which the receipt was infinitely smaller; the two counties of Westmoreland and Cumberland together, paid only about 7,000*l.* Other counties paid 12,000*l.* others 13,000*l.* others 15,000*l.* others 18,000*l.* and others 19,000*l.* The poundage which they received was very low, being only two-pence in the pound in counties where the duty amounted to a considerable sum, and three-pence in counties where it did not. The expences attending the execution of the office were great. They were obliged to go round the county some of them twice, some three times, and some four times, in the year. In their journies they were attended by two persons, a deputy and a clerk, whom they were obliged to pay; and besides these charges, they had to pay for their commission, and the fees of auditing and passing their accounts in the Exchequer. All these things most materially deducted from the profits, as allowed by the Act. For the poundage on the receipt of 6,000*l.* amounted only to 50*l.* Allowing, therefore, that upon an average they had each to receive 36,000*l.* the poundage would only amount to 300*l.* a year; which, with all the incumbrances that he had mentioned of commission, deputy, clerk, journies, and fees, would be reduced to the small sum of 20 or 30*l.* a year. This, surely, was not the way that parliament would wish to pay the commissioners of the land-tax. They were obliged to grant securities to a large amount; and the gentlemen who became their securities had generally an interest in it, by having the use of the money. For this, and other considerations, the board of taxes were not so rigorous in exacting the remission of the duties within the time limited by the statute. In looking to the ex-

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cise collection, the commissioners found, that there the money was paid in weekly to the Exchequer; and the same excuses were not made from the country, on the score of difficulty of procuring bills; but then, gentlemen would please to recollect, that the excise was the best managed branch of the public revenue, and that their officers were under the immediate controul of the board, which made the case widely different from that of the land-tax. It was to be remembered also, that the collectors of excise made their circuits regularly every six weeks, that the sums were extremely different from those paid for the land-tax, and therefore people were prepared with small bills against the time the excise collectors came round. But, upon the whole, notwithstanding the delays, the charges, the loss of interest, and often the loss of principal, which, upon an average of the last 20 years, amounted to about 2,000*l.* a year, the revenue of the land-tax was collected with the least expence to the public of any. It cost no more than 10½*d.* in the pound. The excise duties cost 13½*d.* and they were reckoned very œconomical. At the same time he was ready to confess, that there was no mode of payment for trouble so impolitic and improper as that of suffering money to remain in the hand of the collector; and if regulations could be formed to bring this to a better and more œconomical system he should be well satisfied. It had often been thought of, but nothing had been determined. There was much reason to apprehend, that if a compensation should be given, in lieu of the advantages derived by keeping the money in their hands, they would receive the compensation without losing the other advantage. Such an example had been experienced in the office of high treasurer, to which benefits were annexed by the sale of places. At the Reformation, lord Southampton applied for a salary in lieu of those benefits; a salary of 8,000*l.* a year was granted; and since his day the salary had been paid, and the benefits too. Could the poundage be lessened? Undoubtedly it could not. But measures might be taken to relieve them from the expence of their annual commission, and of the fees attending the passing of their accounts. These fees had been long in use; and he confessed he thought it would be a consideration for the House at a future time, whether it would not be for the benefit of the public to buy up those patent offices in the Exchequer, to which the fees were incident, and by which the delays in passing the public accounts were occasioned. In the end, the noble lord said he would propose to the House a Bill, by which the receivers should be obliged to remit the duties within a certain limited time; and that if they failed to do this, they should forfeit their poundage, and also be obliged to pay 5 per cent. on all the sums so detained, for the length of time which they remained in their hand. Another regulation he proposed to introduce into this Bill was, that upon the failure of payment of the receiver and his securities, the money due to the crown, instead of entering by an extent on their estate, and holding them in hand, they should be brought to immediate sale; by which the expence of servants and stewards would be avoided.

The noble lord proceeded to speak of the second report, in which the commissioners stated the result of their inquiry into the collection, receipt and payment into the Exchequer of the revenue arising from the Customs, Excise, Stamp-office, Salt-office, Hawkers and Pedlars-office; Hackney coach-office, Post-office, First fruits-office, Tenths, Sixpenny and Shilling duty. With regard to the Customs, the commissioners report, that the receiver-general had in his hands the sum of 3,288*l.* 14*s.* 11¼*d.* which they advise to be paid in as soon as possible. Upon this report, his lordship said, the board of Treasury had immediately written to the commissioners and comptroller-general of the Customs, to pay in the same; which had been since done. His lordship mentioned something of his design to simplify the duties of the Customs, by consolidating them, and putting all upon one plain intelligible footing; so that the difficulty that now remained in the way, both of the merchant and the Custom-house clerk, as the exact amount of the duties to be paid, might no longer exist; but that, he said, was a matter of too much importance and magnitude to be done on a sudden, and therefore he should not attempt it in the present session. Upon the collection and payment of the revenue arising from the Excise, Stamp, and Salt offices, and also of that arising from the Hawkers and Pedlars, and Hackney coach offices, the commissioners had said there was no room for suggestion of alteration. Upon the Post-office revenue, the commissioners state, that in conformity

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to the Act of the 9th and 10th of queen Anne, the receiver-general pays into the Exchequer 700*l.* a week; and the commissioners add, that it is their opinion the method of paying the net balance of the receipt into the Exchequer weekly, established by the customs, the excise, and other offices, should be adopted by the Post-office. Upon inquiry made by the Treasury, since the commissioners delivered their second report, it appeared, that in fact, the receiver-general of the Post-office did pay the whole of his receipt into the Exchequer as soon as he received it; that was, he never kept any part of the receipt at home, but sent it all, as fast as he had it, to the Bank; therefore it was unnecessary to make any proposition on this part of the commissioners' report. It was proper, however, that he should say something upon the observation which the commissioners had subjoined, and that was their opinion relative to the consolidation of offices. With regard to the excise and customs, undoubtedly those offices had already so much business, that they had full employ; and therefore considering that probably the exigencies of the time might make it necessary to add something to both, in addition to their present business, the committee, he conceived, would not think it right to increase their burthen, by sending them the business of other offices to transact. The four offices pointed out by the commissioners as capable of consolidation, were the Stamp-office, the Salt-office, the Hawkers and Pedlars and the Hackney-coach office. With regard to the two first, they were not expensive offices, the commissioners' salaries being but moderate, and the business under their care considerable. The commissioners of the Stamp-office met three times a week, and those of the Salt-office twice; but then, when gentlemen considered, that the revenue collected and managed at each of these offices was extremely well taken care of, they certainly would not think of putting it under the management of any other offices; particularly the salt-duties; which on account of the various drawbacks, bounties, &c. were extremely intricate.

After a mature consideration of the business, and the advantages derived from the boards, and the difficulties and inconveniencies that must arise from their being consolidated, he was of opinion, that it was a measure, which could not be adopted without much detriment to the public service. The only offices that could be consolidated were those of the Hackney-coach-office, and Hawkers and Pedlars-office; and even here the profit would be much less in point of saving than the detriment incurred from the want of regulation. The first of these two offices rendered considerable benefit to the public as a board of police. The whole expence of it was not more than 1,400*l.* a year. The Hawkers and Pedlars-office was not expensive. There were but three commissioners with 100*l.* a year each. The whole expence of the office was only 1,800*l.* and of this 1,000*l.* was expended in the employment of riding surveyors, who must still be employed. In point of saving, therefore, the consideration would not be material; and, in point of influence, the abatement would be still less, for neither of the commissioners were members of parliament. This would be a regulation therefore upon the whole very trifling, but it would be for the future consideration of the House to adopt it or not. Undoubtedly, when the consolidation of office could be effected without injury to the public service, without destroying old and established forms, rendered necessary by use, and by which the perception of revenue might be simplified, or the passing of accounts rendered less tedious and complex, it was an object of desire, and at the proper moment he trusted the House would examine what regulations in this respect might be made.

The noble lord now came to the third report, in which the commissioners, following the rules prescribed by the Act, had inquired what balances there were in the hands of former accomptants, beginning with the treasurer of the navy. They had ascertained, that there were sums in the hands of the late paymasters of the navy, to the amount of 73,000*l.* which ought to be paid into the Exchequer, and full security given to the accomptants for the sums in their hands. Upon this head, the commissioners of accounts had given it as their opinion, that the treasurers of the navy ought not, when out of office, to detain the public money in their hands; and advised, that in that case all the unappropriated money in the hands of a treasurer, when he goes out of office, be paid into the hands of his successor; and in like manner by his executors or representatives in case of death, upon receiving a proper security and indemnification. The commissioners had also advised that an altera-

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tion be made in the mode of keeping a treasurer of the navy's accounts, and of doing the business of his office, by altering the constitution, abolishing the subordinate treasurer, and rendering the treasurer a mere accountant. With regard to that, the Treasury had taken some pains to inquire how far it would be expedient to comply with the advice of the commissioners; and, in order to be certain of their ground, they had consulted the Navy-board, and they had all of them declared it to be impracticable. He was not himself sufficiently master of the matter, to make any propositions to the committee on the subject of altering the constitution of the office of the treasurer of the navy, but this much he meant to do; to endeavour to prevent treasurers of the navy from detaining the public money, after they went out of office; and, in order to effect this, he meant to move for leave to bring in a second bill, to oblige public accomptants to pay the balances in their hands into the Exchequer. With regard to the auditors of the imprest, he knew not whether it might be right for parliament to purchase those places of the present possessors, and those who had reversions of them; for undoubtedly it would not be fair to abolish the places, without giving an equivalent to those who had a right to derive the emoluments that the office afforded. Next year, possibly, the subject might be brought under consideration.

The fourth report pursued the same track, and found in the hands of former paymasters of the army sums to the amount of 378,000*l*. The noble lord stated the reasons why these balances amounted to such high sums, and why they continued so long in the hands of the paymasters, after they went out of office. The sums in this office were kept under distinct heads; and when any one box was empty, though the others were full, instead of applying the money in their hands, intended for other heads of service, to that which was exhausted, they applied to the treasury for a new sum on this distinct head. The commissioners recommended in their report, that, instead of this practice, the office should, in future, take from the full box to supply the empty one. This was an idea which, undoubtedly, would serve to render the total sum in the paymaster's hand less; but the treasury had applied to the old servants in that office as to the practicability of the project, and they had given their opinion that it was not possible. The delays occasioned in the passing of the accounts by the old forms and regulations of the exchequer were the principal reasons of those balances remaining so long in the hands of the accomptants. They all declared themselves willing to pay in those balances, provided they received their quietus. This was exceedingly just; and it was his purpose to move for leave to bring in a Bill to give them the fullest parliamentary security. This only could be done by an Act; and it would be just that they should be credited in the exchequer for the exact sums in their hands. He added, that he for one should certainly think a parliamentary security an ample and sufficient indemnification; because it was just as well for him, in point of safety, to have credit in the exchequer, for the amount of his balance, as it would be to have the money in his own hands. He mentioned also his intention of lowering the deductions from the revenue, in its way from the pocket of the private individual to the public treasury, and in its expenditure, by introducing a clause into one of his Bills for lessening the fees of office. Salaries he would not meddle with, because the 5 per cent. last laid on, added to the other deductions, lessened them very much; but fees he thought he might diminish without injustice, and much to the advantage of the public.

The noble lord gave credit to the commissioners for the report which they had made, and for the infinite industry they had used. Their reports were short, but they were comprehensive. They were short, because they had been fully and maturely weighed and digested. After the specimen which they had had of the fruits of their industry, he dared to say that the House would be inclined to wish for their continuance. He intended to move for leave to bring in a Bill to that purpose, and to refer to their consideration the extraordinary account of the extraordinaries of the army. This expression produced a laugh; but the noble lord said it was correct in the fullest sense, for in truth it was an extraordinary account in every sense. He wished them to examine this account to the bottom, but particularly to examine and enquire into the part which related to the American service. It was a matter of the utmost importance, and the House would no doubt receive the information which they wanted from their report.

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The noble lord concluded with reading the three motions which he had to make. The first was for leave to bring in a Bill for better enforcing the payment of the monies arising by the land-tax. The second was, for leave to bring in a Bill to give security and indemnity to certain accountants on the payment of the balances in their hands into the exchequer. And the third, for leave to bring in a Bill to continue and enlarge the provisions of an Act made in the last session, for appointing a commission to examine the public accounts. He moved the first of these propositions.

Mr. *Burke*, in a speech of the most poignant ridicule, charged the noble lord with having on that day given at once the most explicit evidence of his activity and negligence, of his capacity and his incapacity. He had shewn that, as the first lord of the treasury and chancellor of the exchequer, he had been negligent or incapable of his duty, and at the same time he had shewn by his speech of that day, that he had both the industry and the talents to comprehend what his duty was. He had been negligent or incapable in the execution. He was active and able in the conception of his trust. The whole of the copious detail which he had given was clear, methodical, and accurate: so perfectly clear, that a pin might be seen at the bottom of it. He had shewn manifest knowledge of the regulations that were necessary, which must have required industry and exertion to acquire; and he had proved, at the same time, that, knowing the irregularities of his office, he had failed to reform them. He drew into a most whimsical point of view the mighty and important advantages which we were to derive from the commission of accounts. It was throughout, in the very language of the noble lord, a trifle; perfectly insignificant in one part, totally impracticable in another; the reform would not be advantageous in a third; not worth the experiment in a fourth, perfectly useless in a fifth, and productive of inconvenience in a sixth. The noble lord had the word trifling in his mouth in every sentence. It was, in the words of the poet,

> A trifling song you shall hear,
> Began with a trifle and ended;
> All trifling people draw near,
> And I shall be nobly attended.

This was, in fact, the harangue which the noble lord had made in that House: for first, no advantage whatever was to be derived from any new regulation in the receipt of the land-tax. This was already collected as cheaply and as profitably as it could be. The consolidation of office was confessed to be a most advantageous object, and to be devoutly desired, and yet in the wide range, system, and machine of government, no offices but the hackney coach and hawkers and pedlars could be consolidated, and by this great and glorious reform the nation was to save the immense sum of 300*l.* a year! This was all the consolidation that could take place, and even this was doubtful. In no other part of the receipt of the public revenue were there any advantages to be derived. Nothing could be got from the post-office, nothing from the stamp-office, nothing from the various offices! But to go to the treasuries, this important commission had discovered sums in the hands of different accountants, which might be paid into the exchequer, on granting them an indemnity. Good God! was it necessary to conjure up a commission of accounts to tell us this! Could not the first lord of the treasury have discovered this for his country? Could not lord North, first lord of the treasury, have applied to the paymaster of forces, and have procured the 73,000*l.* in his hands? After being fourteen years chancellor of the exchequer, the noble lord could not without a commission of accounts discover that the public money, in the hands of private individuals, ought to be paid into the exchequer! The hon. gentleman proceeded in the same strain, and took the language of the noble lord himself as evidence of the inutility, the nullity, and the insignificance of this commission of accounts, which had done nothing but what the board of Treasury could and ought to have done; but what the exchequer could and ought to have done; but what other offices, largely paid and little employed, could and ought to have done. So that this mighty machine had been contrived and set in motion to draw a cork, to do that which other bodies ought to do, and to keep them in idleness when they should be employed. He ridiculed the whole scheme and shadow of reform. For this the plan of substantial reformation of last year had been rejected; for this the noble lord himself had opposed the Bill which he had the honour to move in that House; for this he had turned a deaf ear to the Bill which was introduced, and now contented himself with taking little inconsiderable portions of

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it, and bringing them forward as subjects of parliamentary attention. He had broken the comprehensive plan into fritters, and now presented them one by one, as sops, to deceive, not as a substantial feast, to satisfy the national desire. A full harvest of œconomy had been offered to the House. This the noble lord had rejected. He had himself promised a crop; and now it had come to the time of reaping, he went about picking up the leavings of the harvest, the hawkers and the pedlars, and holding up in his hands the few heads that he had gathered. Seducing the people with the prospect of something solid at least, he gave a whiff with his mouth, and blew them into chaff. The hon. gentleman, after treating this mockery of reformation with most severe censure, animadverted on the constitution of the noble lord's commission. He said that his language upon a former occasion had served to convince him how much wit the noble lord had; but the present had also shewn what was the power of face which he possessed. After declaring that he could never consent to see a commission of accounts, not erected of men, chosen by the people of England, with the guardianship of their property, he said he had nothing to hope nor expect from the inquiry that they should make into the extraordinaries of the army. The noble lord had been suckled with the milk of the treasury and exchequer, he had grown fat upon it; and he was enamoured of, and attached to, the old habits. "Train a child in the way he should go, and when he is old he will not depart from it." This was exactly the case with the noble lord; he had been brought up among the abuses of the treasury and exchequer, and he would not now depart from them. He declared that he did not form a bad opinion of the consequences of the inquiry from any disrespect towards the members of the commission; but merely from the specimen set before the House that day, in which the noble lord had thought proper to reject every part of their reports that went to correct the irregularities and ill habits of office. They had shewn themselves to be men of sense, of integrity, and of ability, as public accountants. Their reports did them the highest honour and credit. As pieces of literary composition, he never saw stile and manner so happily suited to a subject. It was neither too elevated nor too low, but clear, correct, nervous, and intelligible; as nicely adapted to the occasion as any pieces of writing he had ever read in his life. He hoped that the gentlemen would be well rewarded for their labours. Undoubtedly they ought to be paid, and paid liberally; and whenever that proposition was made, he promised to give it his hearty support; but he nevertheless would oppose continuing the commission, and that, not that he had the smallest objections to them as public accountants. If any strangers were to be employed as commissioners, he knew none more capable than they had shewn themselves, but he would never give up the argument that appointing commissioners, who were not in parliament, was a scandalous delegation of the authority of that House, and of powers which they held in trust only, and could not give out of their hands into the hands of others, in conformity to the old maxim of *delegatus non potest delegare.*

Lord *North* defended his own conduct, and in support of the commission of accounts and the benefit they had produced, said that a committee of that House, sent up stairs, could not possibly have done the same business with the same effect: neither could he, as chancellor of the exchequer, nor any other of the accountants already established. He spoke of the reports and of the commissioners in terms of the warmest praise; and said, some persons might exclaim, what, a report of ten or twenty pages only! is that all they have produced! If a committee had got into a room above stairs, their report would have been voluminous. Undoubtedly it would; but would it have been equally clear and intelligible? Every body knew it would not; and the reason was, the commissioners had completely considered and digested their thoughts, before they drew up their reports; which committees above stairs, for a thousand obvious reasons, never could, or never did. His lordship said, that beyond all question, the commissioners must be paid. No gentlemen could possibly have imagined the contrary. He had originally intended to have inserted a clause for that purpose in the Bill, but at the request of gentlemen, on the other side the House, he omitted it; and now it was the desire of the commissioners themselves that their labours might precede their reward, and that the House might be fully enabled to judge of their deserts before any payment for their trouble was required. His lordship went through all Mr. Burke's remarks; and at length said, he believed he had answered

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every thing but his wit, and that, he was ready to acknowledge, was unanswerable, the hon. gentleman being greatly his superior in that respect.

Colonel *Barré* asked the noble lord, what part of the proceedings of the commissioners of accounts, he could point out, as a matter, to the execution of which a committee of members would not have been competent? It was true, the reports of the committee above stairs were not equally accurate and satisfactory with the reports of the commissioners of accounts; and what was the reason? The committees above stairs were not armed with the same powers. They could not give an opinion; they were absolutely bound down to facts, and therefore a volume of crude, undigested evidence, scarcely intelligible, and which few members of the House gave themselves the trouble to read, and when they did, fewer still could understand, generally formed their reports. After descanting on the great impropriety of delegating the duty of the House, and giving its authority to men who were not members, the colonel differed from his hon. friend, and said, he had rather have the present commissioners than none. Next to the committee of members, he should prefer the gentlemen now employed; they had proved themselves able, honest, and upright men, and had his warm applause. He thanked lord North likewise for taking the matter out of his hands; and assured him that he did so sincerely, both as a private and a public man. During a war, like that which this country was now engaged in, there ought always to subsist a commission of accounts.

Mr. *Burton* made his maiden speech. He declared he rose to withstand any attempt either to ridicule or to censure the commissioners of accounts and their reports. Both deserved the warmest commendation, and he did not doubt, but great benefit would result to the public, in consequence of the commissioners continuing their labours. The only ground of fault was, that the commission was not thought of sooner.

Mr. *T. Townshend* chiefly spoke of the intention of the noble lord to simplify and consolidate the custom-house duties. He commended that measure, and trusted that the noble lord would make an effectual reform, without being warped by any pitiful wish to preserve his influence in those boroughs that were on the sea coasts. He approved the idea of expediting the passing of public accounts. It was now 19 years since he had been a public accountant, and he dared venture to assert, that for five years to come, his accounts would not be passed. Thank God, he was rather a young than an old man; but, if he had been upon his death bed, it would have given him great uneasiness to have reflected, that he must have left his accounts in the care perhaps of women and children.

The motions were then agreed to.

Debate on Mr. Burke's Motion relating to the Seizure and Confiscation of Private Property in the Island of St. Eustatius.] May 14. Mr. *Burke* rose, and drew the attention of the House to the very important question of the Seizure and Confiscation of Private Property on the late capture of the Island of St. Eustatius. The hon. gentleman began with stating the very great consequence of the question on which they were about to enter. The eyes of Europe would be on the conduct of the British legislature in the present instance, and it would be exceedingly necessary to be cautious and grave, to be cool and impartial in their deliberations; perhaps the fate of Britain would depend on the decision of that question; for it ought to be remembered, that we stood in a new situation: we were engaged in a most calamitous war, in which we had many enemies and no friends. It was a situation unprecedented in the history of Britain, and called for all the wisdom and all the prudence of the government. We ought not, by instituting a scheme of inhuman plunder and unjust oppression, to make more enemies, or to incense and provoke those with whom we are already involved. We ought, instead of pushing war to its extremes, to endeavour, by every means in our power, to moderate its horrors, and to commit no other depredations than such as were necessary to public success, or contributed to national glory. Private emolument ought not to be received as an excuse for rapacity. By such civil regards, the resentments of our enemies might be softened; their enmity might be subdued, and their minds be brought to a favourable inclination towards peace. Or neutral nations, perceiving that, even in a struggle for our existence, we did not deviate from honour, might be brought to applaud the dignity of our sentiments as a people, and assist us in the conflict. But a contrary

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behaviour on our part was likely to provoke them to unite against us, and make the protection of human nature from plunder and robbery a common cause. They would not stand unconcerned spectators of the renovation of that system of havoc which it had been the pride of civilized Europe to execrate and explode.

The hon. gentleman called back to the recollection of the House the terms of the Manifesto published by Great Britain on the commencement of hostilities with the Dutch. That Manifesto was published on the 20th of December*; the terms and language of which threatened no inhuman cruelty, no uncommon severity; but, on the contrary, seemed rather to portend the short variance of old allies, in which all their old friendship and affection would operate rather as the softener than the inflamer of the common calamities of war. It breathed expressions of kindness and long-suffering, and the menaces which it held out seemed to be torn by constraint from a heart bleeding under the affliction of unwilling strife. The harbinger was so gentle, that it was not to be feared that the war would be shocking. It was expected by men of both countries as no more than a temporary rupture, flowing from the rash petulance of the parties, and which their mutual good sense would in the coolness of deliberation suddenly heal. The proclamations, with respect to letters of marque, &c. which followed the Manifesto, warranted the same expectations. There was no predatory system threatened, nor powers granted of an unusual nature. The hon. gentleman proved this by reading the various passages in these state-papers, containing the language of the court, and the powers granted in the commencement of the war.

He now came to the transactions in the West Indies. The rapidity of the expedition against the island of St. Eustatius was a matter which begot suspicions, that the orders of government to the commanders on that station had not waited for the event of the declaration of hostilities; or else the circumstances of the affairs were proofs of the vigilance and wisdom of our government, and of the promptitude, alacrity, and conduct of our commanders. But, in order to the due consideration of this very important question, it was necessary that all the circumstances of the situation and the time, of the prospect, and the event should be attended to. First then, it was on the close of a most melancholy and general disaster, which happened in that part of the world; a hurricane which had involved all the islands in common suffering and common distress. When all that extensive branch of islands and settlements had been visited by the scourge of Providence, as a correction of their vices, or an humbler of their pride. At such a time it might have been expected that the deadly serpents of war would for a time have been hushed into a calm in that quarter of the world: their stores of poison being exhausted, and wanting the recruit and fructification which the rich earth was accustomed to bestow, that they would have remained for a time mutual spectators as they were mutual sufferers, and would not have increased the stock of their distress, by adscititious calamities. The hurricane seemed the particular visitation of Heaven, as if the Deity had meant thereby to check the fury of mankind against each other, and reconcile them by the sense of their common necessities. Surely, when human pride was levelled in the dust, and we saw what worms we were beneath the hand of Omnipotence, it became us to crawl from our holes with a feeling of brotherly love to each other; to abate a little of our rancour; and not add the devastations of war to those of the hurricane. But it was not so with Great Britain; for even when the stern breast of rebellion melted with generous sympathy, and Dr. Franklin issued express orders that provision-ships should pass to the British as well as to the other islands without impediment or injury; even this was thought the fit and proper moment by our commanders for an expedition to St. Vincent's for the recovery of that island. An expedition undertaken with so little knowledge of the state of defence in which the island stood, that after the troops were debarked, and had reconnoitred the works and the garrison, they found it convenient to retreat without attempting the object of their expedition.

At this time, too, it was, that, in obedience to the orders of ministers, the expedition was undertaken against St. Eustatius. This island was different from all others. It seemed to have been shot up from the ocean by some convulsion; the chimney of a volcano, rocky and barren.

* See Vol. 21, p. 968.

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It had no produce. Its extent was but 30 miles. It seemed to be but a late production of nature, a sort of *lusus naturæ*, hastily framed, neither shapen nor organised, and differing in qualities from all other. Its proprietors had, in the spirit of commerce, made it an emporium for all the world; a mart, a magazine for all the nations of the earth. It had no fortifications for its defence; no garrison, no martial spirit, nor military regulations. Its inhabitants were a mixed body of all nations and climates; not reduced to any species of military duty or military discipline. Its utility was its defence. The universality of its use, the constant neutrality of its nature, which made it advantageous to all the nations of the world, was its security and its safe-guard. It had risen, like another Tyre, upon the waves, to communicate to all countries and climates the conveniencies and the necessaries of life. Its wealth was prodigious, arising from its industry, and the nature of its commerce. At the time of this expedition there were only 55 soldiers in the garrison, if such a place deserves the name of a garrison. There was, indeed, a building which, by courtesy and in compliment, might be called a fort. These soldiers, too, were of the worst description, for out of these there were only 12 men of colour. Against this island then, so circumstanced and so defended, the British commanders went with 14 ships of the line, and several frigates, and a body of 3,000 land forces on board. They had heard of no war being commenced. They had received no intimation of hostilities being begun or designed. But thus unprepared, naked and defenceless, they were summoned to surrender at discretion within an hour. That time, however short in point of precedent, was on this occasion not only sufficient, but ample. It was needless to hesitate where they could not resist. It required but little discussion or debate to resolve on what was to be done. The Dutch commander yielded up the dominion, the territory, the public property, and every thing that belonged to the United States, to the British commanders without any stipulation, relying totally on the discretion, the mercy, and the clemency of the conquerors.

What was the discretion and the mercy of the conquerors? A general confiscation of all the property found upon the island, public and private, Dutch and British; without discrimination, without regard to friend or foe, to the subjects of neutral powers, or to the subjects of our own state; the wealth of the opulent, the goods of the merchant, the utensils of the artisan, the necessaries of the poor were seized on, and a sentence of general beggary pronounced in one moment upon a whole people. A cruelty unheard of in Europe for many years, and such as he would venture to proclaim was a most unjustifiable, outrageous, and unprincipled violation of the laws of nations! It was accompanied, too, with cruelties, almost unheard of in the history of those barbarous times, when war was pushed to all its extremes of rigour, and when the sword and the firebrand were in concert. All the property had not only been condemned to one general indiscriminate confiscation, but the warehouses were locked up, and access was denied to the proprietors, by which they might have an opportunity of ascertaining the amount of their commodities, and securing their property by labels, or by inventories. Thus deprived of their merchandizes, and all the honest profits of their labours, there remained, however, this ground of hope, that by explaining the nature of their misfortune to their correspondents in the neighbouring islands, or in Europe, they might procure a loan to form a new stock with, and by industry retrieve their misfortunes; but the next step was to seize on their books; by which they were divested of this last refuge of hope. All their circumstances were laid open; their weak side exposed; and the places pointed out, by which malice or enmity might attack them with success. Was there known till that moment a more complete act of tyranny than this? It was unparalleled in the annals of conquest, but it was surpassed by what followed; for, the next act was to seize upon all their letters also, and their private papers. It was not enough that the secrets of their trade and their weaknesses should be laid open, but also that the secrets of their families should be discovered; the private calamities, to which all are more or less incident, and all anxious to conceal, and to suffer unknown, were exposed; and their miseries aggravated, by becoming a matter perhaps of derision and merriment to insulting plunderers.

It would have been conceived, that farther than this even inventive tyranny could not proceed; but it proceeded in this instance as much beyond the reach of common oppression as it did of common cre-

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dulity. If the facts were not ascertained beyond a possibility of doubt, he could not have believed that such acts were perpetrated at such a day by British soldiers. The merchants and inhabitants plundered and robbed of all that they possessed in the world, and of all the hopes that they had of having their property restored; involved in all the calamities of want and wretchedness, thought it at least reasonable to exact that, destitute as they were of all the means of sustenance, and actually starving, upon application, a part at least of their own provisions might be remitted to them. They presented an application to the quarter-master-general for this purpose; and what was the sublime, the generous answer which the gentleman returned? "Not a mouthful," was exactly his expression. Notwithstanding this answer, they made another application, in the confidence that so just a request would be ultimately complied with; still the answer was, "Not a mouthful." They presented a third representation, and they received still the same reply, "Not a mouthful, not a mouthful, if you were starving." Nor was this the extent of the oppression on the one hand, or of the suffering on the other. Their cash was seized upon; and thus effectually deprived of every thing but the liberty of drawing out a miserable existence, they had recourse to an expedient suggested by necessity, of making use of their former credit with their correspondents in the neighbouring islands, by drawing upon them for a temporary supply. Of this resource they were also deprived; for a proclamation was issued preventing the issuing of such bills; nay, to such a length did the cruelty of this persecution go, that a bill which was found among the papers of a considerable trader in the island, drawn upon government, but not signed nor indorsed, was brought to the unhappy man, and he was forced, absolutely forced, to sign and indorse it, to his injury, if not to his ruin. After all these stages of unheard-of oppression had been successfully gone through, there wanted no more but an attack upon the persons of the unhappy people to finish the scene. He blushed, he said, to relate the sequel for the honour of humanity, of this enlightened age, and still more of the Christian character. The persecution was begun with the people, whom of all others it ought to be the care and the wish of human nations to protect, the Jews. Having no fixed settlement in any part of the world, no kingdom nor country in which they have a government, a community, and a system of laws, they are thrown upon the benevolence of nations, and claim protection and civility from their weakness, as well as from their utility. They were a people, who by shunning the profession of any, could give no well-founded jealousy to any state. If they have contracted some vices, they are such as naturally arise from their dispersed, wandering, and proscribed state. It was an observation as old as Homer, and confirmed by the experience of all ages, that in a state of servitude the human mind loses half its value. From the east to the west, from one end of the world to the other, they are scattered and connected; the links of communication, in the mercantile chain; or, to borrow a phrase from electricity, the conductors by which credit was transmitted through the world. Their abandoned state, and their defenceless situation calls most forcibly for the protection of civilised nations. If Dutchmen are injured and attacked, the Dutch have a nation, a government, and armies to redress or revenge their cause. If Britons are injured, Britons have armies and laws, the laws of nations, (or at least they once had the laws of nations,) to fly to for protection and justice. But the Jews have no such power, and no such friend to depend on. Humanity then must become their protector and ally. Did they find it in the British conquerors of St. Eustatius? No. On the contrary, a resolution was taken to banish this unhappy people from the island. They suffered in common with the rest of the inhabitants, the loss of their merchandise, their bills, their houses, and their provisions; and after this they were ordered to quit the island; and only one day was given them for preparation; they petitioned, they remonstrated against so hard a sentence, but in vain; it was irrevocable. They asked to what part of the world they were to be transported? The answer was, that they should not be informed. Must they take their property along with them? No. Must they not then take with them their wives and children? No. The only information they could obtain was, that they must prepare to depart the island the next day; and without their families, the very last comfort of wretchedness;—they must appear the next day at an appointed place to embark. The next day they did appear to the number of 101, the whole that were

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upon the island. They were confined in a weigh-house, a place, in some respects, similar to a turnpike-house, but strongly guarded; and orders were given that they should be stripped, and all the linings of their clothes ripped up, that every shilling of money which they might attempt to conceal and carry off should be discovered and taken from them. This order was carried into rigid execution, and money, to the amount of 8,000*l.* was taken from these poor, miserable outcasts; and thus deprived of the fruits of their assiduity, and the comfort of their age, thirty of them were embarked on board the Shrewsbury, and carried to St. Kitt's. The rest, after being confined for three days unheard of, and unknown, were set at liberty to return to their families, that they might be melancholy spectators of the sale of their own property. He mentioned some particular instances of aggravated cruelty inflicted on the Jews while they remained in the weigh-house. One of these poor wretches had sewed up 200 Johannes in his coat, and the money was discovered; he was immediately turned from among the rest; and set apart for punishment, for having endeavoured to conceal some little remains of the wreck of his fortune. Two more Jews had been detected also in a breach of the order for delivering up all their money. Upon one of them were found 900 Johannes. This poor man's case was peculiarly severe, his name was Pollock. He had formerly lived on Rhode Island; and, because he had imported tea contrary to the command of the Americans, he was stripped of all he was worth, and driven out of the island; his brother shared in his misfortunes, but did not survive them; his death increased the cares of the survivor, as he got an additional family, in his brother's children, to provide for. Another Jew married his sister; and both of them following the British army, had for their loyalty some lands given them, along with some other American refugees, on Long Island, by sir William Howe: they built a kind of a fort there to defend themselves; but it was soon after attacked and carried by the Americans; and not a man who defended it escaped either death or captivity; the Jew's brother-in-law fell during the attack; he survived; and had then the family of his deceased brother and brother-in-law, his mother and sister, to support; he settled at St. Eustatius, where he maintained his numerous family, and had made some money, when he and his family were once more ruined, by the commanders of a British force, to whose cause he was so attached; and in whose cause he had lost two brothers, and his property twice. Another Jew, named Vertram, was treated with as much severity, nor had the commanders any pretext from his profession, for confiscating his property; he sold no warlike or naval stores to the enemy; he dealt simply in China wares; brittle emblems of the tenure he was to have in them! an order was given, and he was left a beggar.

These cruelties were soon followed by others as dreadful. The persecution was not confined to the Hebrew nation. Another proclamation was issued, ordering all the Americans, without distinction, to depart the island. Those who had retired from their native country, that they might avoid taking a share in the dispute with Great Britain, as well as those who might have come there for the purpose of assisting America, were doomed to instantaneous banishment. The next was a proclamation, ordering all the French inhabitants to depart. The next was a proclamation ordering all the inhabitants, late citizens of Amsterdam, to depart; and, last of all, a proclamation, ordering all foreigners of every kind, and all but the settled inhabitants of the island, to depart. The hon. gentleman animadverted with indignation on all those shameful proceedings, and said they were not suggestions of imagination, they were not exaggerated by any factious spirit; they were proved by the authority of the St. Christopher's Gazette, immediately on the issue of the transactions, with the authentication of the government there. The facts would also be proved by affidavits, if required.

He now gave a particular relation of the conduct of the assembly and inhabitants of St. Kitt's on these melancholy oppressions. The transported beggars of St. Eustatius came there, presenting before them miserable objects of distress and pity. The calamities were beyond the relief of private donation. Visited as they had been by the hand of Providence, they had hardly wherewithal to supply their own necessities; but out of the little that was left, they generously condescended, out of the common stock, to bestow a something. The hon. gentleman gave an account of the several steps which they had taken for the recovery of their own property and that of the other sufferers.

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The British subjects in St. Eustatius might well claim respect and protection from British commanders, but they met only with insult and rapacity. The legislature of St. Christopher's took the matter up, being astonished at the unprecedented length to which the British commanders had proceeded; and after drawing up a strong remonstrance on the subject, sent it by Mr. Moore, and other gentlemen of the committee of the island of St. Christopher's, to the island of St. Eustatius. On their arrival, they were admitted to an interview with the admiral and general, in the great cabin of the Sandwich, where sir George Rodney asked Mr. Moore if he did not bring a remonstrance. On which he produced it, and after sir George had read a small part of it, he said, he could not possibly give any answer to it then; but, after he had considered it, that he should have an answer. Mr. Burke said, that the next day Mr. Moore and the other gentlemen were admitted on shore to an interview with sir George and the general; where a conversation passed, of which Mr. Burke read an attested copy, having been committed to paper immediately after the interview, and sworn to by the gentlemen of the St. Christopher committee; the conversation was various. The admiral gave as a reason for the confiscation of the property, that they used St. Eustatius only as a deposit for their goods, and that they meant to supply the enemies of their country. And when it was answered to this, that they conceived, by the Grenada Act, the Tobacco Act, and the Cotton Act, they were justified in the commerce which they legally carried on at this place; that it was a commerce not only justified by British Acts, but encouraged by the British government: they were told in reply, that those Acts were foolish and idle; that they had been procured by factious men, for partial and pernicious ends. He could not but observe, that it was a very contemptuous treatment of the legislature of this kingdom, for any officer whatsoever, to pronounce Acts, which it was his duty to see enforced, impolitic; and to say that they had been obtained by factious persons, and for partial views. The persons who had brought in the Grenada, Tobacco, and Cotton, Acts, were lord Beauchamp and sir Grey Cooper: the gentlemen on the other side of the House, would not surely call those two members factious persons; and as the object they had in view, was the augmentation of the revenue, it could not be said that they had acted for partial ends. The committee agreed upon the security which these Acts held out to the merchants, whose stores the commanders had seized on, and said, that as the goods were legally stored under the sanction of the British legislature, they ought to be delivered up to the owners. Sir George replied, that he and the general did not come there to hear acts of parliament explained, but to obey his Majesty's orders. On Mr. Moore's mentioning the possibility of retaliation from the French, sir George said, they dared not retaliate, and after other conversation told them, that if they or any other persons thought themselves aggrieved, they might go to law for redress. No other interview took place, though a second remonstrance and petition was drawn up in St. Christopher's, and sent to St. Eustatius; but Mr. Glanville, the Solicitor General, by whom it was written and carried, could not procure an interview; but to the excellent remonstrance which he presented, received only an answer, that they had no time to attend to the memorial. Mr. Glanville's reply to some of those arguments was extremely ingenious and strong. Mr. Burke thought it a production worthy of any solicitor general in the world. He particularly retorted upon the admiral, by saying, that if it was illegal in the merchants to send their property for sale to St. Eustatius, the naval officers had equally transgressed the law by selling their prizes there.

Having done this, the hon. gentleman came to examine the proceedings, and entered largely into the investigation of that right which a conqueror attains to the property of the vanquished by the laws of nations. These were the two questions to which he wished to draw the attention of the House. Under these circumstances, or even without all the aggravations of cruelty that had taken place, he declared that the general confiscation of the private property found upon the island was contrary to the law of nations, and to that system of war which civilised states had of late, by their consent and practice, thought proper to introduce. Perhaps it might be said, there was no positive law of nations, no general established laws framed, and settled by acts in which every nation had a voice. There was not indeed any law of nations, established like the laws of Britain in black letter, by statute and record; but there was a law of nations

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as firm, as clear, as manifest, as obligatory, as indispensable. First, it was a maxim generally established and agreed to, that the rights of war were not unlimited. If they were unlimited, it would be ridiculous to say that there were laws of war; for as confessedly a law existed to regulate the practice of states in hostility with each other, if the rights of war were unbounded, it would follow, that the law placed limits to infinity. But this being the established maxim, he had it in his power to prove that there were certain limited and defined rights of war recognized by civilised states, and practised in enlightened Europe. First, he could prove that they were established by reason, in which they had their origin and rise; next, by the convention of parties; thirdly, by the authorities of writers, who took the laws and maxims not from their own invention and ideas, but from the consent and sense of ages; and lastly, from the evidence of precedent.

The hon. gentleman went largely into this description and proof of the rights of civilised war. From the authority of reason he formed general opinions and sentiments, entertained and rendered maxims by consent and use; "that a king conquered, to acquire dominion, not plunder; that a state does not go to war with individuals, but with a state; and in the case of conquest does not take possession of the private property, but of the public property of the state conquered." By this maxim the calamities of war are mitigated. They are not felt so severely by the private individual, by the citizen, and the husbandman, the manufacturer, and the merchant. This law, therefore, directs that the private property of individuals, in a territory surrendering at discretion, is not only to be spared, but to be secured. The very essence of war presumes offence, and offence reciprocity. But when surrendered upon summons at discretion, and without resistance, there is no reciprocity; and consequently there is not the essence of war. When men surrender, they are intitled to protection. There is a virtual compact in conquest, by which protection arises out of, and accompanies allegiance. Can the king of Great Britain seize upon the property of his subjects at his will and pleasure? No; nor can he in the instant of conquest seize on the goods and effects of the conquered. Not only the king of Great Britain, but every monarch, however despotic, is bound down by the very essence of his tenure to observe this obligation. For in all governments there is a trust reposed. "Shew me a government," said the hon. gentleman, "and I will shew you a trust;" there must be a care where there is a dominion; and a king must abandon that trust, he must give up his royalty and his government, when he seizes upon the property of the subject; he must dethrone himself from the just dominion, when he becomes the unjust plunderer of his people; and when he thus departs from the character and the dignity and the office of a king, to take up that of a robber and a spoiler, there is a sword in every hand to execute upon him the vengeance of human nature. The king, who should receive the surrender of a people, thereby admitting them within the pale of his government, and afterwards strip them of their property, must, in so doing, forfeit his royal authority, and be considered only as a robber. It was ridiculous to suppose for a moment, that the subject could lose his effects, and all the benefit of regal protection, and yet be bound by the duty of allegiance; or that a monarch could retain that character when the whole property of the state was vested in himself: he might then be called lord of the soil, or sole possessor of it; but he could not arrogate the title of king. This is a principle inspired by the Divine Author of all good; it is felt in the heart; it is recognised by reason; it is established by consent. The rights of war were not thus limited by the learning of the schools, by the light of philosophy, by the disquisitions of councils, by the debates of legislatures, or by the sense of delegated assemblies. It originated in necessity, in reason, and in the field. The soldiers themselves introduced it; and being taught by necessity, which in all cases is the best tutor, they adopted, and they exercised it, without having the assistance of lucubration. He now stated, that by the convention of parties, this law of nations was established and confirmed. Private property was exempted from the confiscation which followed public property on the issue of a conquest. A distinction was made in this virtual convention between property found afloat, and found ashore. For what reason that seized on shipboard was mutually agreed to be confiscated, he could not tell. The time was not far distant when even that inhuman species of war would be abolished; but certainly the convention made

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a difference between the goods found ashore and those found afloat.

He called upon the House, and defied them even to mention one instance, beside the present, of a general and indiscriminate confiscation that had occurred within the last fifty years on any conquest or surrender by discretion. There was no such thing. This was the instance that had occurred to stain and disgrace the age, and the country, and the cause. As to the authority of books, he thought them the weakest part of the argument, although they had collected the wisdom of ages, and had connected, with that of their authors, sagacity, judgment, and sense. He quoted Vattel as being the latest and best, and whose testimony he preferred; because, being a modern writer, he expressed the sense of the day in which we live. As to the testimony of precedent, not one instance had occurred for the last fifty years. The last precedent of a surrender at discretion he considered as the best to be adduced. The case of Grenada was the latest. There the island surrendered at discretion, but not without resistance, like St. Eustatia. The conquest was contested, and was won with a profusion of blood. What was the consequence there? The count D'Estaing, though a man by no means remarkable for the weakness of his nature, did not venture to make a general confiscation of the private property of the inhabitants, or to go to the lengths of cruelty and oppression lately practised at St. Eustatius. He indeed went farther than he ought, in framing certain regulations of a severe nature against the estates of absentees, and to other objects: but on an application to the French king, he gave full and ample redress; he countermanded the orders of D'Estaing, and secured to every merchant, planter, and inhabitant, the full and quiet possession of their property.

The hon. gentleman having, in a variety of most beautiful and forcible arguments, inforced the doctrine of the law of nations, with respect to the security which ought to have been given to the private property of the Dutch in that island, came to speak to the question of the confiscation of British property in that island. In this he answered very fully all that had been suggested by the commanders upon that station, in justification of their conduct, that they made St. Eustatius a deposit, for the supply of the enemy. If this was true with respect to the inhabitants in general, it was a good cause for going to war; but it was a doctrine universally established, that when war is once declared and instituted, the belligerent powers are to treat one another, as having mutually justice on their side, until the final issue is known. So that though the perfidiousness of the Dutch might be a just cause for going to war, it was no excuse for aggravating the horrors of it. Every war presumed an offence on the one part, and when the cause was referred to this mode of decision, it was to be considered as *sub judice*, during which time both parties were intitled to the same treatment; for it was a first principle in the law of nations, as laid down by every writer, that to expound the rights of war, we must conceive each party to have justice on its side, and every thing preceding the commencement of hostilities must be forgotten in that exposition. To make the island of St. Eustatius a deposit was no crime. In the spirit of merchandize, it could not be a deposit, without also being a market. The merchant does not carry his goods to a place to lay them up, but to sell them; and it was the known, established, and admitted principle of St. Eustatius to be a mart for all the world, and consequently equally advantageous to us as to the enemy. We had thrown open Dominica upon the same principle. That had been taken from us, and the moment that we procured a new Dominica, we threw away its advantages. But if it was a fault to send goods to St. Eustatius, and there to sell them, it was a fault for which the legislature of this country were answerable, and not the merchants; for they had encouraged them to the trade. They had passed positive Acts, inculcating in the most express terms this traffic, in which Acts, the Grenada-Act, the Tobacco-Act, the Cotton-Act, the general good of this country was consulted; the revenues were enlarged, the manufacturers promoted, and the merchants enriched. These were the Acts declared by our commanders to have originated in faction, for bad ends. It was by them, however, that ministers had been enabled to say that the commerce of this country, and the manufactures of this country, had not suffered by the war. But this species of traffic had been recognised by his Majesty's ministers in every possible manner. Nay, on this very principle of sharing the advantages in common with the enemy, to be reaped by the establishment of a neutral

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mart, the minister had but the very last week defended the proclamation for giving up the rights of Britain to chastise her enemies, or fight her cause in the Baltic. The merchants of Britain traded to St. Eustatius under positive acts of parliament; and if the traffic was improper or pernicious, only parliament should be blamed. "But they supplied the enemies of their country;" so did the very men who confiscated their property and deprived them of their rights. They advertised it at a public auction, and invited all the neutral islands to come and purchase it; nay, for the convenience of these neutral powers, advertised that small vessels would be sold also to carry it off the island. It was accordingly transported to French and American settlements, and also to the Danish islands of St. Croix and St. Thomas; from which the Americans, French, and Spaniards, might be supplied. It was treachery in the merchants to sell their property to the enemy; it was right in the commanders in chief to do so. The act of confiscation changed the nature of the market. The hon. gentleman dwelt with great energy on this part of the conduct of the commanders in chief. He said, the whole property had been sold for one fourth part of its value, by which means the enemy had been supplied by government at a much cheaper rate than they otherwise could have been, and a whole people ruined besides.

But if the enemies of Great Britain were supplied from St. Eustatius with stores, it was an advantage that was not exclusively theirs; they enjoyed it in common with the English and the rest of the world; we likewise got supplies from it; and in 1778 our windward islands would have been starved if they had not been relieved from St. Eustatius. If the Dutch had supplied the enemy with stores, and had refused to sell them to us, then perhaps we might have had cause to complain: but they had formed an alliance with ready money, let it come from whom it might; and nothing was ever withheld from any one who called for supplies with ready money in their hands. It was known that the Dutch at St. Eustatius had, for money, furnished us with cordage, provisions, ammunition, and even men, for an expedition against the Spaniards; and that they also defeated that expedition, by selling for ready money also to the Spaniards, the very same kind of commodities, men only excepted. The island therefore was a common blessing; and as it was opened to us by acts of parliament, our commanders in chief ought to have felt themselves bound by a double tie not to confiscate the private property; and it was reasonable to presume that they would not have done it, if they had not had positive orders from ministers at home for all that they had done. He also was exceedingly severe on the observation of the commanders, "that the British subjects might have redress in our courts of law." What! when they had no marks to distinguish their property, no possibility of ascertaining its value, or of watching its sale! What! when they were robbed of their last shilling, and deprived of all the means by which the prosecutions could be carried on! By the exultations from the treasury-bench, when that passage of his letter was read, it was to be concluded that ministers applauded such an answer to their complaints. True it was, they might recover their property by law, but at the same time those men should be punished who drove them to the necessity of doing so. It would be a strange justification, should the crown lay hands on all the property in this country, to tell the parties injured, the courts are open to you. But how were many of the sufferers to prosecute the offenders? stripped as they were of their possessions, how were they to pay the expences of a law-suit, while their antagonists might combat with their own money. He mentioned the case of a gentlewoman, who at the recommendation of a lady, not more distinguished for her rank than for her benevolence, he had endeavoured to serve in the city. This lady had many children, and had been married to an Englishman, who had acted as a captain of a Dutch trader, and had been absent 16 years; during all which time he had made his family frequent remittances, and about two years ago had sent his wife word that after three more trips, he intended to make up his savings, and come and end his days with her and his children in peace and comfort. It happened that for sixteen months she got no tidings of him; and lately, to her astonishment and despair, not only discovered that he was dead, but that his property amounted to something more than 8,000*l.* which was in the island of St. Eustatius, when that island was captured, and the whole of it was seized and confiscated; so that she and her children were reduced to a state of absolute beggary, without in any wise meriting so severe a misfortune. Mr. Burke heightened

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the pathos of this affecting case, and put it home to the bosoms of the House, in a manner that could not but rouse and excite the pity and compassion of every gentleman present; but she must go to law, destitute perhaps of the common necessaries of life; she must go to law with the rich conquerors of St. Eustatius, armed with all the plunder which they had seized, and backed by the powers and interest of government. The poor unhappy lady was also deprived of the certificates of her fortune, prevented from proving her property; for these conquerors wisely took care that the books, inventories, and vouchers, should go along with the property, and not remain, to be brought up against them in the day of restitution.

The admiral's ideas concerning the retaliation of France, he reprehended severely: "She would not dare to do it." What was this but provoking the enemy to exercise that power already in their hands, by revoking the immunity granted to our fellow-subjects in Grenada; the inhabitants of that island would then have to curse the injustice of our government, but could not reasonably complain of their conquerors. He instanced the case of Mr. Simon, an old gentleman of 90, whose credit formerly stood highest at the Exchange, who now saw himself cut off from a profitable trade, by which he used to clear 18,000*l.* a year. He had been brought over in his infancy to escape from the persecuting tyranny of Louis the 14th, but he had lived to see tyranny change sides, and to see himself ruined by the severity of the English government, at the very time that Louis the 16th was setting the brightest examples of humanity and justice.

It was not extraordinary that a man sitting on a great gun in a ship's cabin, should hold language like that of admiral Rodney; for however much he respected his naval character, his judgment as a lawyer could not be expected to have any consequence, but to see ministers of this country echoing and applauding such maxims was strange indeed. But indeed, he did not want the testimony of sir Samuel Hood to convince him that it was not sir George Rodney that had been the author of these shameful proceedings, but his Majesty's ministers. The hon. gentleman spoke of the whole plan, which they had adopted and pursued, as infamous and unbecoming to the last degree: from the unsuccessful attempt on St. Vincent's to the destructive overthrow of St. Eustatius. An order from a noble lord, formerly secretary of state for the American department, and now again employed in another department by his Majesty, had driven the Caribbees to desperation; and this attempt upon the island at such a time, had renewed all their antipathy to the English; the retreat of our commanders having deprived them of an opportunity to be revenged upon our soldiers, they turned their rage against the British inhabitants, who then resided there, under the protection of the French; and such was the sense the Caribbees entertained of the infamy of an attack upon the island, immediately after the visitation of heaven, that they would have sacrificed to their resentment all the British on the island, if the French commandant had not, by the most strenuous exertions, screened them from the fury of the savages. Defeated in our hopes against St. Vincent's, our commanders expected, that they might have been able to reduce Martinique and Guadaloupe by famine, in consequence of the destruction of provisions by the late hurricanes; but we lost the opportunity of shewing that we were inhuman, and had not the satisfaction of starving either of these islands into a surrender.

Their attempt on St. Eustatius had been more successful, and it seemed to fill ministers, as well as officers, with transport, that they had been able to conquer a people that did not resist, and plunder them when they surrendered to their mercy. The hon. gentleman concluded with a solemn appeal to the House, whether it was fit that the legislature of Great Britain should be the first to plunge Europe into all the horrors of barbarity, and institute a system of devastation, which would not only bring disgrace, but in all probability ruin upon ourselves. He wished to bring the matter properly before the House, that they might be fully possessed of the facts before they proceeded to a decision: for he sincerely wished them to be deliberate, to be impartial, to be disinterested. It was a question as important as any that had ever come before them, for it was from their conduct that Europe was to learn the system of Great Britain, and by which they were to be forced to regulate their own; he therefore moved,

"That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions, that there be

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laid before this House, copies of all proclamations, memorials, orders, and instructions, and of all official correspondence, from and to any of his Majesty's ministers, relative to the disposition of the property belonging to the States General and to individuals, inhabiting or interested in the places or territories taken from the said States General in the West Indies."

Mr. *T. Stanley* seconded the motion. The transactions of the fleet and army at the island of St. Eustatius were so truly impolitic and disgraceful that they required the most severe reprehension from every man who paid regard either to the feelings of human nature or to the character of Britain. It was material for the House to enquire whether the commanders had received orders from ministers at home, or had acted from their own mere motion. The present motion was not to blame, but to enquire. To procure insight and information, not to inflict punishment. He considered the late confiscation as a kind of military loan, levied for the use of the army; and said, as the noble lord in the blue ribbon had lately subsidised his parliamentary troops to keep them faithful, he probably had hit upon that method of subsidising his military troops abroad, to preserve their attachment to him. He said, that he and his colleague had presented a petition to his Majesty, from 124 respectable merchants of Liverpool, who were deeply affected by the late confiscations in the island of St. Eustatius; that the petition was at first sent to the members for Liverpool to present, but they had refused to do it; he left it to the House, therefore, to consider what sort of construction was to be put upon the conduct of members, who were so much at the minister's nod, as to venture to refuse discharging their duty to their constituents, when called upon by them for that purpose. He trusted that the House would on the present occasion shew a becoming abhorrence of the steps that were taken in the reduction of St. Eustatius, by which only the nation could expect to escape the dreadful consequences of that conduct.

Mr. *B. Gascoyne*, jun. said, the accusation was ill-founded; for that the petition had never been sent to him or his colleague, but that two other petitions were; on one of which they wrote a joint letter, containing their reasons for not coinciding in opinion with all the allegations of the petition, submitting those reasons to the subscribers of the petition, and declaring at the same time, that if these reasons should not convince the gentlemen who had subscribed it, that then they would present it immediately, holding it to be their duty, at all times, to comply with the wishes of their constituents. This letter they sent off to Liverpool by express, but never heard any more of the matter. The other petition they had presented to the noble lord at the head of the American department. With regard to the present question, he was not prepared to enter into the consideration of it; he should only say, that in determining upon great national points, he must hear strong and convincing arguments, and sound principles of law, laid down to prove any position of so important a nature to his satisfaction. Pathetic narratives of private distress naturally found their way to the heart, and served to catch the passions; but they were not the sort of ground for the head and understanding to rely on with security.

Mr. *Rawlinson* also explained his conduct relative to the petition, and mentioned his being himself materially affected by the late confiscations at St. Eustatius. He therefore earnestly called upon the noble lord to know, whether he had sent out any orders for a general confiscation of the British property, legally imported into that island under authority of British acts of parliament.

Captain *John Luttrell* said, that he rose with equal zeal for the military and naval service, for the commercial interest of his country, and for the general good of the state, to express his wish that the previous question might take place on the motion. He was persuaded it was premature and unnecessary, and was sure, that it would appear to be very unreasonable: for if it really was intended to charge sir George Rodney with having unwarrantably seized the estates of individuals at St. Eustatius, that by the iron hand of power he had transported their owners to a distant isle, and had disposed of their property without sufficient right so to do, such proceedings would be highly proper for parliamentary investigation at a future period; but surely were premature, while that admiral was employed in the service of his country in another part of the world, and could neither be apprised of such attack, nor be present to be heard in his justification.—He said, he apprehended that the territorial acquisition was a right inherent in

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the crown, which could not be alienated; and therefore those planters, who were willing to take the oaths of allegiance to the king, as lord of the soil, ought to retain the possession of their estates, stores, and negroes; but that all other property seized at St. Eustatia, whether belonging to the States General, to their subjects, or to any other persons, who were inhabitants of the island, at the time of the surrender, was forfeited to the takers; and that all negroes, masters, mulattoes, quadroons, famboos, or people of mixed colour, slaves to the States General, to the congress of America, or to the government of any other country at war with Great Britain, were liable to be transported to our West India islands; there to be sold, after condemnation, as much as any other property seized from the enemy; he said, there might be reasons also, with which parliament were not then acquainted, that would justify sir G. Rodney in a temporary removal of persons of other descriptions from that island. That therefore, having had the honour to serve for a very considerable time under that gallant admiral, and of knowing him intimately, he could not hastily credit, that he had acted at St. Eustatius so very unlike himself as the hon. gentleman had thought proper to represent. He said, if government had acquiesced in the confiscation of seizures made at St. Eustatius, as far as such acquiescence could be construed to extend, or have legal operation, they had done that which sound policy and strict justice required them to do: but that no property could be forfeited, unless it was proved to belong to the enemy, to persons inhabiting within their dominions, or to have been consigned for their use. In the two first instances, he would shew the right of capture to be indisputable; in the latter, he observed, that where persons engaged in a contraband and illicit trade, with a view to exorbitant gain, and consulting no interest but their own, they must submit to abide the consequences, and were liable to seizure, as well by the government of the country to which they traded, as of that from whence they came; nor ought they to expect from the crown, or from the captors, restitution of what they had forfeited by law; for that, when merchants of this country will enter into commercial connections with those of the enemy, their interest and property become so interwoven and cemented, that you could not favour the claim of the one to the preclusion of the rest; and therefore, were such applications to be attended to, by mercantile management, all that had concerns in the trade would eventually reap equal benefit; but, said he, those who are carrying on traffic at St. Eustatia within the pale of the law are perfectly secure, and need be under no apprehensions; for the effects there seized must be libelled, and proceeded against in the first court of vice admiralty, within the jurisdiction of which they are arrived, and it will then come from the mouth of the captured, that the property was such as has been described, before any judge could proceed to sentence of condemnation, or to pronounce for the interest of the crown, or that of any other parties. He observed, that the admiralty court was in the first instance the most competent to determine the right of prize, and prior to such adjudication, he defied the penetrating eye even of a Burke to discover what claims would be rejected, and whether they were sufficiently supported by evidence to warrant any man in saying they were legal ones; nor could he comprehend how parliament, without such guide, were to form a perfect judgment on the merits of the proceedings had at St. Eustatia.

The hon. gentleman said, that the hour had never yet arrived, which government judged seasonable to exercise a power of restoring any seizures which were legally made by the military in times of war; that on all conjunct expeditions, from the time of taking Vigo, in 1702, to the present hour, the crown had acceded to the division of the booty, as agreed on amongst the captors, without interfering farther; and whether it would be warrantable to do otherwise, was with him as much a matter of doubt, as with any one right which remained to be determined; but sure he was, that the present could not be the hour, when harmony and confidence were so essentially necessary to subsist between the governing and executive powers, to strengthen the arm of war, for ministry to enter into litigation on the subject with the army and navy. The latter of which, he contended, had an indisputable right to a large proportion of every kind of seizure which could be made from the enemy in times of war, under the king's proclamation, and a liberal construction of the prize act: from the former he then read the following passage: "All ships, vessels, and goods, belonging to the states-general of the United Provinces, or

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their subjects, or to any other persons, inhabitants within any of their territories, may be lawfully seized and brought to judgment in the admiralty-courts; and that all manner of captures, seizures, prizes and reprisals, shall be given to the takers."

Now, said he, the English language cannot furnish words more expressive of the intention in the crown to give every kind of capture to the takers than those conveyed which he had read, nor could there, in his mind, be a taking but what bore analogy to the gift; which, he observed, was a general one, being neither confined to the land nor to the sea; but where the power of division was delegated to a third party, that it became necessary to be specified; and the king having only distributed such captures as were to be made by ships of war, he left to parliament the division of prizes taken by letters of marque and privateers: therefore he desired to refer to the general prize act of the 19th of the present King, which he said, by a subsequent act of this session, had been extended to Dutch seizures; and the House coupling the proclamation with the act of parliament, would then see how such division applied to the kind of capture made at St. Eustatius; from that Act the clerk proceeded to read as follows: "That the commanders of our ships and vessels may attack, surprise, seize, and take with such ship or vessel, or with the crew thereof, all place, or fortress upon the land, or any ship, ammunition, arms, stores of war, goods, or merchandize, belonging to or possessed by any of his Majesty's enemies upon the land: and that the whole thereof, after final adjudication in the admiralty-court, shall belong to the takers, and that neither his Majesty, his heirs, or successors, or any other person or persons whatsoever, other than the captors, shall be entitled to any part thereof."

Then it is clear, that if St. Eustatius, like St. Martin's, had been taken by privateers, or by letters of marque and their crews, they would have had the right to every thing, except the territory: and will it be believed that the legislature meant to give better encouragement to privateers and letters of marque for their services than had been extended by proclamation to the king's officers and seamen, or that they intended to divide a capture, the right to which remained inherent in the crown, and was of course at the disposal of the king alone? That, he said, could never be supposed, and therefore it appeared to him as clear as the sun at noon-day that had the island been subdued by a naval force, they would have been entitled to the whole benefit, as was the case when lord Anson's squadron plundered the Spanish settlements in the South Seas. Then, could it be contended, that because a certain number of land officers and soldiers were aiding and assisting at the taking, that therefore the sea service became entitled to nothing at all, or that their rights could be otherwise diminished, than proportionably to the rank and numbers of the military, which acted with the navy on that expedition. All these matters, and many others of very serious consequence, must come into debate, if this inquiry is now proceeded on; the mischief it might create he would not venture to anticipate.

One word more, he said, in answer to the hon. member's complaint, that sir G. Rodney refused to allow an account to be taken of the stores and merchandize seized at St. Eustatius, and claimed by English merchants as their private property, and that he would not allow them to be marked: it was not pretended that their books and papers were seized, which, with the *vivâ voce* evidence of their clerks, would sufficiently prove to the admiralty-court their right, whatever it might be; but that sir George could not, consistent with his duty, have acted otherwise; for that all captors are required immediately on seizure to put the king's locks on the effects, and to suffer no person to have access thereto until after condemnation: were it otherwise, favour would be shewn to some; embezzlement would follow to the prejudice of others, and when sentence had been pronounced, the goods might not be forthcoming; besides, every common seaman, whose share might be but a guinea, where the admiral's was a thousand, had a right to object to any restitution, and to insist that every thing seized at St. Eustatius, though but the value of a sleeve-button, should be brought to legal adjudication; and that the admiralty-court alone, not sir G. Rodney, had the right of determining what belonged to the captors, and what to the claimants. He apologised to the House for having intruded so early and so long in the business, but observed, that where the honour of his friend and the welfare of the service were so much at stake, he could not help speaking feelingly, nor had he the power to confine his observations within the limits

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of his intention; but he said that, being awakened to a sense of their prolixity, he would exhibit no farther the gloomy picture his imagination formed of the effects of a premature inquiry into the St. Eustatius capture; but he assured the hon. mover, that it neither bore the garb of political influence, nor the tint of party zeal; for so ignorant was he of the sentiments of other members on the subject, that he knew not if he should obtain a secondary voice in favour of the previous question; but however that might be, he was persuaded, that to maintain the motion at present, as a subject of political controversy, would be highly improper: and that, for the reasons given, should it be persisted in and brought to a question, although his single negative might prevent its unanimity, he felt himself determined to give it.

Lord *George Germain* said, that what had fallen a little time ago in the course of debate, from a young gentleman (Mr. Gascoyne, jun.) was so well said, and went so fully to answer all the arguments of the hon. mover, that unless something new had been thrown out, it was almost unnecessary for him to take up the time of the House, by adding a syllable on the subject. Pictures of private calamities would move the passions of the humane; and when drawn with the masterly pencil of a Burke, would have all the force of colouring that was necessary, either to strike or wring the heart; but in questions of general policy, the good of the whole must be preferred to the convenience of the few, and private calamities might result from public advantage. An hon. gentleman had called upon him to inform the House, whether any orders to confiscate property found at St. Eustatius, and imported into that island, under the sanction of British acts of parliament, had been sent out, either to sir George Rodney or general Vaughan; he, therefore, thought it right to declare, that no such orders had been sent out; but on the contrary, the instructions were expressly, that care should be taken to secure all property legally imported into the island for the benefit of the right owners, and to render their possession of all their estate, stock, furniture, utensils, negroes, &c. perfectly secure and inviolate. His lordship said farther, that all petitions and memorials upon the subject, that had been transmitted to him, to deliver to his Majesty, let them come from any quarter, had been delivered without delay. But could gentlemen expect that the stores found upon the island should be returned? If so, then the expedition against Eustatius would have been nugatory indeed; for if, after having taken the oath of allegiance, the inhabitants should be permitted to sell those stores to any person whatever, then the public enemy might be supplied with them, though it was the object of the expedition to cut off that resource.

There might be instances of great private distress occasioned by the capture of St. Eustatius; there scarcely was an island captured, or a territory seized upon, that was not attended with such circumstances. The treatment experienced by the Jews, he was ready to admit was true in most of the leading particulars; at the same time, however, that he thought it right to admit the fact, justice required that he should also inform the House that the whole transaction happened without the knowledge of the commanders in chief, both by sea and land; and that as soon as they heard of it, they expressed their displeasure at what had happened, ordered restoration to be made, sent for the Jews back, and directed that they should be treated with all possible protection.

The hon. gentleman had said a great deal about the conduct of the king of France, in regard to the capture of Grenada from this country sometime since; in answer to this, he could only say, that he knew not how to draw a comparison where there was no manner of similitude. The two cases were certainly as distinct as it was possible for two cases to be; Grenada was an island, taken from us by the French, after both countries were in a state of war, and had nothing in particular in the circumstances of the capture to distinguish it from an ordinary conquest. The capture of St. Eustatius was perfectly a new case, to which no other in the history of modern warfare had the least analogy. It was an island formerly possessed by our ally; which ally, while bound by solemn treaties to give this country every assistance in her power, had notoriously contributed in an eminent degree to assist our enemies, and had made this very island a deposit for the use of the enemy, having on it a vast magazine of military stores of all kinds, with which she furnished France, Spain, and America, with the utmost readiness; and when called upon by our fleets, to assist them in like manner, withheld that assistance, which it was since

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evident she had it in her power to give. In order to support this assertion, his lordship referred to the admiral's official letter, in which sir George Rodney stated, that a fact had lately come to his knowledge, that not a little surprised him, and it was this; on his arrival with the fleet from America, his ships, in consequence of the increased degree of wear and tear which they sustained in the West-Indies, were in great distress for rigging and stores; to remedy which, he had sent to purchase them at St. Eustatius; when it was with the utmost difficulty that he procured a small and inadequate supply, not more than seven tons; the Dutch excusing themselves, by declaring that they had scarcely any left; though it was notorious they had let the enemy have as much as they wanted. Sir George farther stated, that he had lately found this to be a mere pretence, and that their refusal to supply him properly arose solely from their giving a preference to the French and Americans; since, on seizing upon the island, most immense quantities of stores of all sorts were found in the warehouses, enough to have supplied all the shipping that could have stood in need of any in those seas for some years to come. There were several thousand ton of cordage in their stores. He knew it to be a fact, that without regular supplies from this island the French could not have carried on the war, and the Americans were in the same predicament. Sir George added, that he had other reasons to know that the island had been the source of more advantage to the enemies of Great Britain than any other circumstance that had attended the progress of the war. He also stated, that he had ordered all the money and effects of the inhabitants to be sealed up, and separately marked upon, to shew to whom the property belonged when seized, and lodged on board the Sandwich, there to wait till it had been determined by the courts; before whom the whole case would come for consideration how it was to be disposed of. But it was observed, that the Americans, &c. had been ordered to quit the island: it was true; but it was necessity, not choice, that had dictated that measure; a measure that was absolutely necessary for the preservation of the conquest: for it would be unsafe to suffer that people to remain, considering their numbers and hostile disposition: there was one circumstance that would enable the House to form some judgment of their numbers, when they should hear that the annual rent of the houses in the town of St. Eustatius had, from the difficulty of getting houses and warehouses to hire, amounted to the prodigious sum of a million sterling; it was therefore necessary to send them away, or renounce the conquest; and gentlemen must have a strange opinion of the law of nations if they should maintain, that every man, who offered to become a subject, must and ought to be received as such. As it was a nest of merchants, who took up their residence there with no other view than to derive an extravagant profit from supplying the enemies of Great Britain with stores, the capture of the island barely, without rooting out the nest of mischievous traders above alluded to, would have been a circumstance of small advantage to this country.

His lordship dwelt on the great importance of the capture, and said, that such was the opinion of the officers, who had held the command, when the island was taken possession of, that the general, in his letter to him, expressly says, "such is, in my opinion, the great importance of our getting this island into our hands, with all its immense magazines of ammunition, stores, &c. that I verily believe it will prove the means of speedily putting an end to the American war." How far this opinion was likely to prove true, it was not for him to point out or decide; he could only declare, that he believed it would conduce effectually to so desirable an end; and that he should rejoice exceedingly if it should turn out that the general was founded in his prediction.

The hon. gentleman had said a great deal upon the subject of the law of nations, the rights of war, and the common usages of European states in cases of capture and surrender. He had asserted that the law of nations, as laid down by Grotius, Puffendorf, and the ancient writers upon the subject, had been since explained, and rescued from the barbarity of the more unenlightened periods of history. For his part, he could only say, that the nearer the law of nations was brought to humanity and justice the more perfect he should consider it. In the conduct of the officers who took St. Eustatius, he was yet to learn that there was any thing tending to violate either the law of nations or of humanity. The hon. gentleman had stated, that when a new territory was acquired, the dominion was the property of the conquering power, but the inhabitants became

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subjects, upon taking the oaths of allegiance, and were as fully entitled to enjoy the protection of the state, to which they surrendered, and share in all the privileges enjoyed under its government as its other natural subjects. In answer to this, he must remark, that it was carrying the argument much too far. Foreigners, who came over to this, or went to any other country, took the oaths of allegiance, and subjected themselves to all the rules of its government, were undoubtedly entitled to derive all those privileges under the government of that country which its natural-born subjects enjoyed; but would the hon gentleman venture to contend, that the inhabitants of an island, captured by military operation, inhabitants surrendering at discretion, and becoming subjects at the point of the bayonet, stood in the same predicament with those he had just described? With respect to the property that had been sold in the island, and belonged to British merchants, the most perishable was what had been set up to sale; and the money arising from it had been packed up, and marked to be delivered to the persons to whom it should be adjudged. The hon. gentleman said, that the stores that were sold had been shipped for America and the French islands: but sir G. Rodney's letter flatly contradicted this assertion; as that officer informed him that the stores were to be shipped for the British West-India islands.—Upon the whole, therefore, he found nothing to blame in the conduct of the commanders, and he had too high an opinion of sir G. Rodney and general Vaughan to believe that they were capable of descending to rapacity and plunder. He thought the present enquiry was exceedingly unreasonable, and that, as the whole business would be examined before the Admiralty courts, the House, he trusted, would oppose any enquiry in the present stage of the matter.

Mr. *St. John* answered lord George, and by referring to the St. Christopher's Gazettes, and the proclamations, orders, &c. issued by sir G. Rodney and general Vaughan, endeavoured to prove that the noble lord's declaration, that those officers were ignorant of the treatment experienced by the Jews, could not be founded. The noble lord had argued as if the present motion was merely calculated to impute blame to the admiral and general; whereas, it was intended merely to afford the House an opportunity of inquiring into the matter, and discovering whether the facts, stated by the hon. gentleman who made the motion, were true; and as blame, in that case, would be imputable somewhere, to know to whom that blame was really to be ascribed.

Earl *Nugent* opposed the motion, and retorted on Mr. Burke for his late attack on his lordship: degrading as comparing him to a cat was, he said it raised him one degree above the animal state he was condemned to two years ago, for then he was only a rat. He said, if he was not able to discharge the total of his debt of wit to Mr. Burke at once, he was resolved not to die an insolvent debtor, but would pay him a shilling in the pound at a time, and so get rid of the whole by instalments.

Mr. *Fox* now rose, and spoke principally in answer to lord George Germain. The conduct of the admiral and general on the capture of St. Eustatius was, he said, so exceedingly impolitic and dangerous, that it was no wonder that his hon. friend, whose liberal mind was always active in protecting his fellow-creatures, and in exalting the character of man by the correction of the vices that degrade, while they outrage humanity, should have called the attention of the House to the subject. It was impossible for the House in that early stage of the business to know who the guilty persons were in this business. The noble lord had given a sort of an oblique answer to the question that was put to him by an hon. gentleman. Government had, and had not, sent orders to the commanders to confiscate the property. They had, and they had not, justified the proceeding at that time. They shewed a virtuous shame upon the occasion, and wished, by evasive answers to a simple question, to lay the blame at the door of ministry. The present was not the moment, he said, to blame, but to inquire. The hon. gentleman, who moved the question, had declared that his view was to bring the matter properly before the House; to procure all the intelligence that he could, by which the House might be able, at some future moment, to decide on the question with that coolness and deliberation which the importance of the subject required. This the noble lord had, in his just apprehensions for the fate of ministers, chosen to call prejudging the matter, and this he had resisted. Why? Because the business was to come forward in the courts of Admiralty, and it was now unreasonable to convict in the absence of the gallant officers to whom the question re-

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ferred. The futility of this argument was visible in the statement. There was no intention to prejudge, there was no design to punish, the gallant officers in this stage, or in any future stage of the business, while they remained on their station, and were incapable of their own defence. No such thing was intended; the gentlemen with whom he had the honour to act, felt as sincere a regard for the persons and character of sir G. Rodney and general Vaughan as any men upon earth could possibly do. They despised slander too much, either to envy or to share with ministers in, the practice of it. They left to them to whisper and paragraph away the characters of absent officers, while it should be the boast and the task of gentlemen on his side of the House to protect them from their malevolence, and stand up the firm friends of injured honesty and honour. The present question was as different from this, and as different from any attempt to lower the characters of the absent officers, much less to punish them unheard, as it was possible for words or language to convey.

His hon. friend had expressed his sentiments on the subject so fully, that he thought it was impossible for the House to mistake, or for any noble lord, however interested he might be in the event, to avoid the issue. The hon. gentleman had stated, that the proceedings on the capture of St. Eustatius had been violent and unjust, ignominious to the character of Great Britain, as a free, a civilised, and a Christian nation; and contrary to the essential principles of the laws of war, as agreed on by nations, and practised by enlightened Europe. These proceedings, whether they were committed by the commanders upon the station without the orders of government, or whether they were done in obedience to orders, became a necessary subject for parliamentary discussion, and that instantly. Why not to punish the authors, whoever they might be; not to prejudge nor convict of personal guilt in the absence of the criminal, but to pronounce on the great national question by which the national consequences might be avoided. The question of conviction might remain for a subsequent consideration; but the question of policy was immediate. Would the nations of Europe wait for the slow decision of the Admiralty courts before they pronounced judgment on the case, and proceeded to retaliate, or in the benevolence of superior civilization, contented themselves with despising? No; without taking the trouble to inquire who or what was the cause, whether it was the rapacity of commanders, or the low revenge of ministers; whether it was the lust of plunder, or the littleness of malice; the profligate cruelty of an insatiate military, or the barbarous system of a headlong government; they would instantly and justly pronounce it to be a violation of all the laws of war on the part of Great Britain, and would hasten either to punish us for the horrid renewal of those savage practices which once buried Europe in ashes; or, considering us as fallen beneath the notice of Christian nations, remain with their arms across, suffering us to be extirpated by those foes which our madness or impolicy had joined against us. This was the cause that brought forward the present question, and it was on this account, that the gentlemen with whom he acted, considered themselves as bound by the obligations of their trust to urge and enforce the necessity of an immediate resolution of the parliament, declaring their surprise and horror at such proceedings, and condemning them in the most pointed and emphatical terms. In doing this, it was not meant to interfere with the private question, nor to prejudge the actions that would certainly be brought in the courts below by individuals for the recovery of their property.

Was it a fit thing for parliament to pronounce upon the general face of the proceedings, that they were wrong, violent, and ignominious? Certainly, if the facts, as stated by the hon. gentleman, were true, it was not only fit, but necessary, that parliament should come to an immediate reprobation; and that parliament might know the truth of the facts, his hon. friend had very properly moved, that the papers should be laid upon the table for the information of the House. If this was denied, what would be the immediate opinion of Europe? What! but that ministers approved of the outrages that were committed, and that they were done in consequence of instructions transmitted by themselves. Indeed, there hardly required this testimony to establish the truth of this fact. The noble lord had, with a good deal of that unwary openness for which he was sometimes praised in the House, and blamed out of it, undertaken the defence of the proceedings, and declared that he saw nothing to condemn in the matter. The noble lord then thought that all the violence, the depredations, the seizures, and the sales, the banishment of the peo-

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ple, with the previous robberies committed on their goods; with all the train of oppression on the one hand, and suffering on the other, was right and reasonable, prudent and safe. He was glad to hear the noble lord speak out; for now it was known, and would be proclaimed all over Europe, that ministers, and not our commanders, were the plunderers of St. Eustatius, and the violators of the rights of war. The navy and the army were rescued from the ignominious aspersion; and the character of sir George Rodney, for whom, as his colleague in the representation of Westminster, he was particularly anxious, was rescued from the obloquy which even great and good men must have otherwise thrown upon them. He desired that it might be known to all men from this instant, that the noble lord, one of the secretaries of state, cleared the commanders from all blame; conscious, no doubt, as he was, that they had no share in the transaction, and the whole ignominy was from henceforth to rest upon his Majesty and ministers. He declared he was happy in the generous acquittal which the noble lord had given of the navy and army. The military of this country, and particularly the navy, was dear to him, and their fame ought to be held sacred to every British heart. It was from that virtuous body of men that the empire had derived all its respect and strength, and from which it must continue to receive its security and its fame. If they, by some hasty act of rapaciousness, or of avarice, should blacken the purity of their character, and stain their former deeds, Great Britain would sink to a state from which neither their future repentance nor their gallantry could be able to raise her; a state of ignominy more dreadful than disaster, since enterprise might retrieve disadvantage, but not restore reputation so destroyed. He was happy, therefore, that they were rescued from the calumny which had been ignorantly thrown upon them, and that all the disgrace and all the infamy was now settled on the government of Great Britain. But would it rest here? Would the nations of Europe be content with punishing us by contempt alone, or would they think it necessary to go farther; and, for the protection of human nature, deem it necessary to unite in the exemplary punishment of that power, who in bold defiance of all regulation, had dared to renew that system of horror and devastation which by general consent had been exploded? This was the present question to be examined. They might not rest satisfied with contempt. Their indignation might be active, and it was the wisdom of that House to counteract the impolicy of ministers, and by an open reprobation of the measures that had been pursued, avert from their country the dreadful consequences of retaliation. Did this interfere with the question of particular guilt? Did this prejudge the matter? Did it take from the courts below the processes that would naturally come before them for the recovery of property, or for the punishment of offence? Certainly not: it was a question of general policy, necessary to national character, and perhaps to national salvation.

An hon. gentleman with whom he had usually the pleasure to act (captain Luttrell) had taken up the defence of the commanders, and justified them by the laws and the practice of war. He said there was no man for whose opinions, as a professional man, he had a higher respect; but on this occasion he had the misfortune to differ from him, perhaps because he did not clearly understand his argument. If he meant to say, that the naval part of a military expedition had equal, or perhaps greater, pretensions to a share in the booty taken ashore than the other, he was ready to coincide with him. There could be no difference of opinion about the pretensions that the navy had to a share of the just plunder taken on the reduction of an enemy's fortress, garrison, or magazine; nor was it at all to the question to inquire what was the exact share that they ought to have. This was a matter of distribution, in which neither the legislature nor the government had chosen much to interfere, thinking it proper to be left to the private agreement of the parties. But if the honourable officer meant that the depredations which were committed at St. Eustatius, the plunder, the rapine, the cruelties, and the outrages were either agreeable to the laws of war, the acts of parliament passed for regulating the division of prize money, or the recent practice, either of the British or any other civilised state, he must beg leave to differ from him, and declare his most hearty opinion, that the proceedings had been such as no law nor precedent could justify or approve.

The hon. gentleman adverted to the argument of the noble lord, that the capture of St. Eustatius was a new case,

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differing from that of Grenada, and consequently not to be bound down by the same rules which had regulated captures of late. He confessed it was in some points different from the case of Grenada. Grenada had a garrison of some importance; it had works; it had a military force, and it had martial spirit; for on the approach of the enemy, and being summoned to surrender, it bravely and strenuously contested the point, and made the enemy purchase the conquest by a profusion of blood. Was this the case of St. Eustatius? No. Without a military force or powers of self-defence, they exhibited to the enemy a naked bosom, and instead of contesting the battle, surrendered in a moment, and not even a finger was scratched in the capture of the island. So far, he confessed, the cases were dissimilar. But was this the reason that had given rise to the different treatment of the two islands? Was it because the Dutch governor of St. Eustatius had given up the island without a blow, that the inhabitants were condemned to suffer the extremes of war, and to be robbed, plundered, and banished, by the conquerors? Was this the method that we chose to take to civilize the enemies of Great Britain, to induce them to receive us in the place of their present governors? And was it against the innocent submission of peaceable traders, manufacturers, and artisans, that we were to take revenge, and not against the active resistance of men in arms that contended for their liberty. The argument was absurd as well as inhuman, and such as it might be expected from men pressed as ministers were in the present instance to support their conduct. "Oh! but St. Eustatius was not like other islands; it was a depôt for the enemy." Perhaps it was so, and, for that offence, among others, we had gone to war with the Dutch, and having gone to war had determined to have satisfaction, like a nation of honour, and not like a nation of cut-throats, for the injury which we had received. The cause of the war, as his hon. friend justly expressed it, was not to be alledged as a ground for aggravating the horrors of it. A gentleman, after receiving an injury, and challenging the author of it to fight him in the field, does not stab him in the dark. The extremes of war are abolished among nations, as the poignard and stiletto are among gentlemen; and, whatever the offence may be, the battle is fair. The hon. gentleman, by a variety of the most powerful arguments, urged the necessity of agreeing to the motion proposed, as a ground-work for their future proceeding in this business, to wipe away the disgrace, and prevent the danger that was likely to follow from such conduct.

Mr. *Dundas* (Lord Advocate of Scotland) entered into a defence of the proceedings at St. Eustatius, and declared, that in his opinion, they were strictly justifiable on the ground of necessity, policy, and the law of nations. He had the highest respect for the character of sir G. Rodney, and believed that he was too brave a man to be cruel, and too disinterested to be rapacious. These were qualities so opposite in their nature, that they could hardly be supposed to meet in the same man; and therefore, he did not believe that one thousandth part of the cruelties had occurred which were now circulated with so much acrimony. But granting even, for the sake of argument, that all those circumstances had happened, which the hon. gentleman, with all his force of colouring, had so feelingly described, what did they amount to? Merely to this: that private calamity was inseparable from public disorder; and that all the care of commanders could not so separate what was just and necessary from what was somewhat oppressive, as to prevent individuals from suffering more than their share in the general disaster: on which occasions the distresses would be aggravated, as the passions or the apprehensions of the head might operate, and the clamour would be much greater than the misery. This was not a fact which it required the example of St. Eustatius to demonstrate or confirm. Taking them as the usual consequences of a capture, would gentlemen say that this was a subject on which parliament should determine, without hearing the parties; without hearing the facts; and without giving time for the operation of those laws which they had wisely framed for correcting abuses, and preserving property? Would they be so weak, as by the mere force of sounding pathetic, melt first into mistaken compassion, and from compassion be hurried to injustice? Surely not. But it was said, that the present question did not prejudge the matter; it only instituted an inquiry, and brought papers before the House, which, throwing light upon the matter, would enable the House to come regularly to a decision; which decision, he declared,

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would be a prejudication, would be unseasonable, would be improper. All that the hon. gentleman who had spoken last with his usual ability had said to the contrary had not altered his sentiments. "It was only a question of policy, and did not in any measure interfere with the question of guilt or innocence." He begged the hon. gentleman's pardon for saying, that it was strange reasoning, and somewhat different from his usual style, to alledge, that the House would not, by pronouncing the proceedings at St. Eustatius to be contrary to all the laws of war, unjust, illegal, and violent, absolutely prejudge the case which was to come before the courts below. If it was once declared that the proceedings were criminal, it only remained to know who were the authors of the proceedings, the commanders on the stations, or the ministers at home; and this was a proof so simple as not to be mistaken, since it depended totally on the orders that were sent out. But the material part of the question lay in the conviction of the guilt itself; and the House were called upon to say that the proceedings were criminal, without knowing on what ground those proceedings had gone, from what causes they had sprung, under what necessity, and with what political intention.

For his own part, he required no other evidence than that which he had heard since he came into the House, to declare that in his mind they were justified by necessity, by policy, and by the laws of war. The learned gentleman said, he had facts and arguments to support each of those propositions. The necessity of the harsh measures which were taken in the confiscation of the property, and in the banishment of a part of the inhabitants, arose from the insecurity of the conquest without such means. The inhabitants were become so numerous, inhabitants all inimical to Britain, that even the rents of houses in the principal town, amounted annually to the amazing sum of a million of money. Was it safe to suffer those men to continue in the place, and permit them at large to practise all the stratagems, or perhaps the violence that enmity or treason could suggest? Undoubtedly not. It had been the constant rule in all warfare, that the conqueror was to use the necessary means to secure his conquest; it had on many occasions obliged warriors to put their prisoners to the sword, and could surely warrant a harsher remedy than that which was adopted of sending the suspected part of the inhabitants from the islands for a time. So much for the necessity. The policy of the measure was clearly demonstrated by the benefit which was to result from it. The admiral declares in his letter that he considered St. Eustatius as of so much advantage to the Americans, that he firmly believed the loss of it would put an end to the war in that continent. He said it was also as necessary to the other powers with whom we were involved, since they derived from this island a constant supply of all the ammunition and stores that were required to the carrying on of the war. Would it have been political, then, to have suffered this convenience to have continued, by which the enemy would have enjoyed the same opportunities as they had before the conquest? Undoubtedly not. It was good policy in the commanders, to destroy that magazine from which the enemy were supplied with arms against us, and it was in fact their duty; they would not have acted with fidelity to their country if they had not, by the most effectual means, cut off this channel of commmunication, and secured to Great Britain all the advantages of the island, whatever they might be. It was also consistent with the laws of war, if he knew what the laws of war meant, to destroy a magazine instituted and kept up, not as the gentleman said, for the common supply of all who came with ready money, not as a granary for all the world, but as a depôt for the enemies of Great Britain, and for them only. This the noble lord had proved by a curious fact in the letter of sir G. Rodney, that he had been able to procure but a very small, inadequate quantity of cordage at a time of severe need, and was told that they could give him no more; whereas on the capture of the island he had found many thousand ton, more than sufficient to have supplied all the ships that were or could be in their seas for some years to come. It was, therefore, to be considered and treated as a mere magazine, and according to all the notions of the law and usage of war, which he had received, the British forces were justified in destroying that magazine, and converting it to their own uses. If we were to carry those fine ideas of liberal war to the length which the hon. gentleman seemed inclined to strain them, we should receive the character of being very good Christians and philosophers, but very bad soldiers and sailors. It was a principle in

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the laws of war, which Grotius, Puffendorf, Vattel, and every writer was agreed in, that it was just to destroy not only the weapons, but also the materials of war. Whatever was prepared, collected, and stored to facilitate offence, or which was in future to be used against us, it was proper to confiscate, without paying regard to any one consideration of the calamities that private individuals would feel, by being deprived of their property. Private individuals ought to know the danger of dealing in articles, during a time of war, subject to the established penalties of seizure and confiscation, and not come afterwards with surly complaints of their sufferings, arising from their own neglect or their avarice. He was warranted in saying, that upon all occasions it had been the practice of all ages, to inflict exemplary punishment on those who had been convicted of active enmity against a state; and such had been the case of St. Eustatius. It was to him a new doctrine that the commencement of hostilities was the moment when we were to forget all the insults and offences that had been done, and for the punishment of which we were driven into war. It was equally new to him, that a conqueror was under the necessity of receiving all the people that chose to remain, or that chose to come to a territory on his acquiring the possession of it, whether he believed their professions of allegiance to be sincere or not; and whether they were likely to remain peaceable subjects of the new dominion, or secret spies to favour the old. Convicted as the island of St. Eustatius was of affording the most insidious assistance to the enemies of Great Britain, while the Dutch remained in alliance with that country, it was fit that they should feel the vengeance of their insulted and deluded ally. At the same time, however, that he contended that all he had heard of the transactions at St. Eustatius were strictly justifiable, he by no means admitted that all which had been told was true. He took it entirely as related by the hon. gentleman, and argued from his own relation of the particulars in their justification. Those, then, were the things on which the House was called to pronounce hasty judgment, in the moment when our fleets and armies were employed on active service; when concord was essentially necessary, and when we had occasion for all the efforts which unanimity, and correspondence of sentiment, inspired by zeal and ardour, could make. It would be an improper discussion for that House at any time, but it was particularly unseasonable at this, and he trusted the House would not comply with a motion for the production of papers which might give dangerous discoveries to the enemy, but no salutary information to that House.

Mr. *Courtenay* made a speech in his usual quaint stile of serious ridicule and solemn jesting, in which he paid warm encomiums to the admiral and general, and only blamed them for being so unseasonably inimical to the true interests of their country, as to chastise the Dutch merely because they had been perfidious, and had while professing kindness to Britain, been supplying America with stores, and France, and Spain. Besides, they had acted singularly stupid, since by the improvident methods which they had taken, by confiscating the property, and stopping up the channel of communication, they had taken the most effectual means of putting an end to the American war, which all true lovers of their country must fervently regret.

Mr. *T. Townshend* warmly supported the motion, as necessary to be adopted at a moment when we were involved with so many enemies, and when it was so necessary by every gentle method to conciliate instead of provoking the states of Europe.

Mr. *Byng* called on the House to exercise its own judgment, and not suffer an inconsiderate submission to the Treasury-bench, to hurry them into a measure which they would, in all probability, have sincere reason to repent. The great commercial interest of this country had suffered by this conduct, and he was much deceived if it would not be the means of giving a mortal stab to the trade of the commercial world. It seemed to be a principal part of the system of ministers to attack and injure the great commercial interest of London. That city, the independence of which was a perpetual source of discontent, urged them to point their weapons most particularly to that quarter. On the present occasion the city of London had not only suffered a most severe loss by the confiscations at St. Eustatius, but they saw themselves brought to the brink of a precipice by this conduct from which there was no receding, and there only wanted the hand of the enemies of this country, following the example of his Majesty's ministers, to hurry them down. Should

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France imitate the system of Britain, and confiscate the property of the islands which they have taken, or may take; what must be the fate of the merchants of Britain? And was not this a danger to be dreaded? Was it not most likely that France, as she had it in her power, would follow the same plan, and confiscate the property of Grenada, and such other islands as they might hereafter seize on? Were the merchants of Britain criminal in pursuing a trade pointed out to them by the legislature of their country, and which they transacted under the authority and protection of known laws, agreeable to all the regulations prescribed in the acts? True, St. Eustatius was a general mart, but the merchants of Britain did not make it a mart for the sale of warlike stores to the enemies of their country. This trade was strictly legal and praise-worthy; and after having followed it agreeable to all the laws of their country, they found their property confiscated by order of those very ministers who had pointed out to them, and encouraged, and seemingly protected the trade.

Mr. *Burke* concluded the debate in a speech in which, with his usual force of argument, mixed with powerful wit, he answered every thing that had been advanced in opposition to his motion. The mode of reasoning that had been adopted, he said, gave him at least this consolation: it shewed him that ministers were ashamed of the orders which they had given, and could not treat the question fairly. Where there was shame there was hope. They saw and felt the danger of their conduct, and were anxious to throw doubt upon it, wishing to conceal that it originated from their instructions, and leaving the army and navy responsible for the disgrace, and for the consequences. The hon. gentleman said, that there was not one argument which deserved a serious reply. The hon. captain who spoke early in the debate, confined himself to an argument on the propriety of the navy sharing in booty, captured on shore, in common with the army. Surely, in all joint expeditions, it was a thing clearly known and established, that they shared agreeably to the arrangement made by themselves. But was this a reason for sharing in the illegal booty? for plundering where they subdued? for becoming the tyrants, instead of the governors of the territory which they invaded? Surely not. The noble lord who had followed him, had entered more largely into the question; and he had been answered as fully by his hon. friend; all the argument that he had advanced was, that the capture of St. Eustatius was a new case, different from that of Grenada, and from every other; and therefore the conduct observed on this occasion was not to be measured by others. In what respects did it differ? It was well pointed out by his hon. friend, that it differed only in circumstances; which ought to have rendered the property more sacred, because, as he had said before, there wanted the very essence of war, reciprocity; and consequently the inhabitants were entitled to protection by the most powerful of claims.—The learned Lord Advocate had advanced some arguments truly singular. He had told the House, that they ought not to comply with the motion; because, if they were to come to a resolution that the proceedings had been criminal, they would effectually condemn one or other of the parties, since it must be either the commanders or the ministers that were guilty. The caution of the learned lord was very laudable. The subsequent evidence would be short; establish the facts by the production of the papers, and his Majesty's ministers can lie no longer concealed; have mercy then on his Majesty's ministers; you cannot decide on the question of policy without involving the question of guilt; the safety of the ministers depends on your rejection of the motion; and therefore you cannot, in this instance, consult the benefit of your country, since a nearer and dearer objection is to be preserved; the object of our gratitude, as he is the author of our political being, the man in whom we live and move, and from whom all the good things of this life are derived; he is to be destroyed by the success of the motion; and therefore save the minister, and let the empire take care of itself. This was the true language of the learned lord; a sort of language to which they were pretty much accustomed of late, and which was always found to succeed to admiration. It was always the conclusion of every harangue, whatever was the beginning, when argument was exhausted; when evasion failed; when law had no more quibbles to confound, nor eloquence to confuse: "Oh, save the noble lord?" is still the last. He trusted that this argument would not always prevail, when it came to this short issue; whether we must part from the minister or from the empire; and he believed that

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we did not want much in our journey to that period; then the noble lord in the blue ribbon would have a woeful proof of the instability of that friendship which was founded in interest, begun without esteem, and continued without affection. The hon. gentleman took notice of the light manner in which the learned lord had spoken of the calamities which had been suffered at St. Eustatius; calamities unparalleled in the history of modern war, and which would leave a melancholy proof behind them, that however the lights of philosophy might teach man to bear miseries, they had not yet taught Britons to forbear to inflict them. It was a light matter, then, in the opinion of the noble lord, and to be considered merely as a matter of course, incident to war, and inseparable from the capture of an island; to pronounce a sentence of beggary upon a whole people; to separate the most tender relations of nature; the husband from the wife, and the parent from the child; to tear asunder all the ties of a community, the numerous branching affections of a happy society: to divide them at once, and by one fatal stroke of a conqueror's sword cut that Gordian knot which linked them together by a social chain; to pronounce a sentence of partial banishment, more severe for not being general; and to hurry them in one rude moment to countries where they must not only be aliens, but beggars; all this, in the learned lord's conception, was no more than the common consequences of war, which commanders might inflict without dishonour, and the conquered ought to bear without complaint.—Having with equal poignancy commented on other arguments of the learned lord, he returned to the real question before the House, and called upon gentlemen to be serious, for it was a serious moment. The predicament was solemn. We must not sport with consequences so dreadful, nor avoid a question so necessary to be determined on broad, impartial ground, for the sake of saving a minister, or of supporting a party. If retaliation was to be dreaded, it was better surely to prevent than to punish it. Heaven knew we were not in a situation in which we held the power of punishment in our hand; struggling for our existence, we had to court the kindness and lenity, not the resentment and retaliation of nations, that we might by our sufferings gain a friend, if we could not command one by our power, nor secure one by our respect. In short, if either empire, or character was dear to us, as a people; if we were not degraded in sentiment as well as in rank; if we were not grown barbarous as well as desperate by our calamities, we must by a resolution of parliament atone for the misconduct either of our commanders or of our government. If we must fall, let us at least perish with honour. Let us not, with the loss of independence, lose also our good name as a people. Let us not, in the last moments of our existence, so far forget the true road to glory, as to outrage the enemy whom we cannot overthrow. If the difficulties of our situation are daily increasing, let us see what reinforcement we may gain from hope, if not, what resolution from despair; by noble and strenuous enterprises we may prevail and triumph; the nations will not suffer us to be crushed if we preserve our virtue; Providence, approving of our exertions, will stretch forth the powerful arm to save; and if we fail, we shall die lamented; even our enemies will do justice; and history will applaud our name.

The House divided:

Tellers.

Yeas	Mr. Burke Mr. Byng	86
Noes	Sir Grey Cooper Mr. Ord	160

So it passed in the negative.

*Debates in the Commons on the Bill for preventing certain Abuses and Profanations on the Lord's Day, called Sunday**.] May 2. Mr. Solicitor General *Mansfield* ac-

* The following Statement was found among the Papers of Dr. Beilby Porteus:

"The beginning of the winter of 1780 was distinguished by the rise of a new species of dissipation and profaneness. A set of needy and profligate adventurers, finding every day, and almost every hour, of the week occupied by some amusement or other, bethought themselves of trying what might be done on a Sunday. It was a novel and a bold attempt, but not the less likely to succeed in this country and in these times. They therefore opened and publicly advertised two different sorts of entertainment for the Sunday evening. One of these was at Carlisle House, and was called a Promenade. The other was a meeting at public rooms hired for the purpose, and assumed the name of Christian Societies, Religious Societies, Theological Societies, Theological Academies, &c.

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quainted the House that he had a proposition to make, which he held to be very necessary for the support of religion and morality. A practice, he said, had of late obtained, of opening places of amusement on the Sunday; some were held out as places of mere amusement, others as places of instruction, where religious questions were agitated. Of the first description was Carlisle House; where, for the seeming purpose of walking, and drinking tea and coffee, persons abandoned to all sense

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The professed design of the former was merely to walk about and converse, and take refreshments, the price of admission being three shillings: but the real consequence, and probably the real purpose of it, was to draw together dissolute people of both sexes, and to make the Promenade a place of assignation: and, in fact, it was a collection of the lowest and most profligate characters that could possibly be assembled together from every part of London. It gave offence, not only to every man of gravity and seriousness, but even to young men of gaiety and freedom, several of whom I have heard speak of it with abhorrence. Nay, even foreigners were shocked and scandalized at it, considering it as a disgrace to any Christian country to tolerate so gross an insult on all decency and good order.

"The business, or, as it should be rather called, the amusement proposed at the Sunday Debating Societies, was to discuss passages of Scripture, which were selected and given out for that purpose; when every one present, ladies as well as gentlemen, were to propose their doubts, receive explanations, and display their eloquence on the text proposed. It was to be, in short, a school for metaphysics, ethics, pulpit oratory, church history, and canon law. It is easy to conceive what infinite mischief such debates as these must do to the younger part of the community, who, being unemployed on this day, would flock to any assembly of this sort; would look upon every doubt and difficulty started there as an unanswerable argument against religion, and would go home absolute sceptics, if not confirmed unbelievers. Thus, as the Promenade tended to destroy every moral sentiment, the Theological Assemblies were calculated to extinguish every religious principle; and both together threatened the worst consequences to public morals.

"It was therefore highly necessary to put a speedy and effectual stop to such alarming evils. I mentioned it early in the winter to several persons of rank and authority, and waited a considerable time in the hope, that some one of more weight and influence than myself, would have stood forth on this occasion. But the session being now far advanced, and finding no one inclined to take the matter up, it became absolutely necessary to do something; and I therefore resolved to try what my own exertions would do. I first consulted several eminent lawyers, as well as the principal acting magistrates in Westminster, in order to know, whether either the statute or the common law, as they now stood, was sufficient to check this evil. They all assured me that both were insufficient, and that nothing but an act of parliament, framed on purpose, could effectually suppress it. In consequence of this opinion, I applied to a legal friend, and with his assistance got a proper Bill sketched out, which I afterwards shewed to lord Bathurst, president of the council, and to sir John Skinner, lord chief baron of the Exchequer; and it was afterwards communicated to the lord chancellor Thurlow, and lord Mansfield. After it had received their approbation, I applied to the solicitor general, Mr. Mansfield, who undertook to move it in the House of Commons; and sir William Dolben agreed to second it. This they did on the 3rd of May 1781, and the Bill was entitled, 'An Act for preventing 'certain abuses and profanations on the 'Lord's Day, commonly called Sunday." It was violently opposed in its different stages through the House by several members; but it passed without a division. On the second reading of the Bill in the House of Lords, it was opposed principally by the duke of Manchester, who thought that there were not sufficient proofs of the mischievous tendency of the Sunday evening amusements. 'The 'subjects of this kingdom,' he said, 'should 'be left at perfect liberty to confer upon reli- 'gious subjects without controul: and he did 'not believe that there was any thing improper either in the Promenade or the Societies. 'In his apprehension, they were perfectly in- 'nocent: but, even if the fact were otherwise, 'there were laws already in force sufficient to 'restrain them; and there was no necessity 'to add to the number of our penal statutes, 'already sufficiently numerous.'

"In answer to this, I observed, that although there was no evidence at the bar, to prove the allegations of the preamble, which in a public Bill, and in a matter of such notoriety, I conceived was seldom, if ever, required; yet there were the very best grounds for believing the pernicious tendency of the Sunday evening amusements to be much greater than the preamble stated. I had conversed with many persons, who had themselves been present in these places, and was perfectly satisfied that they were highly dangerous in every point of view. But, even without entering into their interior constitution and consequences, I could not but think that the very external appearance of them on the Lord's Day, was an offence against common decency, and the most ancient and venerable customs of this country. They were places of public amusement opened on a

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of shame, of decency, and religion, made it a point to resort. These persons professionally invited the public to immorality; virtue was undermined, and religion was of course sacrificed to vice. In the places set apart for debating religious questions, religion was trampled under foot by ignorant people, who wished to acquire a reputation for eloquence in an assembly composed of the low, the vulgar, and the illiterate. He read two advertisements, the one for a Theological Society, in High-Holborn, where the existence of the Trinity was the theme proposed for discussion; the other for a Theological Academy, at the Museum, Spring-gardens, for bringing forward a dissertation about the existence or non-existence of purgatory. He left it to the House to determine, whether it was likely that religion or morality could be promoted in such assemblies. Complaints, he said, had been made to several of the bishops; and they would have brought a Bill into the upper House, for restraining such assemblies, if they had not been prevented by the rules and practice of the lower House, which would not consent that any Bill for levying money on the subject should originate in the House of Lords; and a Bill of this nature would be deemed a money-Bill; because it was to operate by way of fine. He then moved "for leave to bring in a Bill for preventing certain abuses and profanations of the Lord's-day, called Sunday." He observed, that if the House should think it proper to restrain such meetings as he alluded to, it would be necessary to pass an Act for the purpose, as no law existed at present by which they could be prevented.

Sir *W. Dolben* seconded the motion; because he was convinced that these assemblies were inimical to religion; for in them he understood, that most of those who knew how to speak at all were free-

Sunday. They were publicly advertised; were in a public room; money was publicly taken at the door, and that for the avowed purpose of public amusement. This, I apprehended, was the very definition of a public diversion; and it was notorious, that public diversions had never been permitted by the laws of the land in this kingdom, from the time of the Reformation to the present moment, and I hoped they never would. In Popish countries they were indeed permitted, though even there they were condemned by many serious men; for a friend of mine, Dr. Lort, in the year 1768, saw an injunction or admonition of the archbishop of Mechlin, in one of the towns under his jurisdiction, in which he complained heavily of the liberties taken by the people on Sundays, and spoke in high terms of the conduct of the Heretics, that is, the Protestants, in that respect. But, however these indulgences might suit the spirit of Popery, they did not accord with the temper of Protestantism. They were contrary to the spirit of our constitution; contrary to the spirit of our laws and our religion. They were new invasions of the sanctity of the Lord's Day, and had never been heard of in this country till within these few years. The different method of observing Sunday in England and in foreign countries, was one great mark of distinction between the church of England and the church of Rome, and it was a distinction which I hoped never to see abolished. It was not my wish to go to the church of Rome, to know in what manner Sunday ought to be observed in England. I was therefore for resisting these dangerous innovations in the very beginning. If they were not crushed at their very outset, it was impossible to say how far they might go. If the legislature suffered them to pass at first without notice, their lordships must not imagine the mischief would stop where it now is. The places of entertainment lately opened for the Sunday evening, were only the beginnings of a regular plan to introduce Sunday diversions into this kingdom; they are only trials and experiments to feel the way, and to see how the government will bear such violations of decency; and if the proprietors of these places find that they are perfectly secure, they will very soon take care to have fresh amusements for every hour of the Sunday, even for those which ought to be spent in the celebration of divine worship. Unless therefore their lordships were prepared to say, that public diversions ought to be allowed in this country, they must resist this artful attempt to introduce them under the specious name of a promenade, and the sacred plea of religion.

"It has been said, indeed, that this Bill is a restraint upon religious liberty. It is no such thing. It restrains no one from professing that mode of religion, and joining in that form of public worship, which his conscience best approves. It restrains no one from speaking, conversing, or writing upon religious subjects. It imposes no other restraint than this, which is surely no very great hardship, that no one shall either pay or be paid for talking blasphemy or profaneness in a public room on the Lord's Day. It takes away, in short, no other liberty, but the liberty of burlesquing Scripture, and making religion a public amusement, and a public trade, which I was inclined to think their lordships would not consider essential marks of religious freedom." See Hodgson's Life of Bishop Porteus, p. 71.

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thinkers, and consequently against, not for, religion.

Mr. *Turner* was exasperated at the idea of bringing in a Bill, which, in his opinion, was little better than introducing an inquisition in religion. What had a man to do with the religion of his neighbour? It was acting between him and the Deity; and no earthly power ought to interfere between them. King William had disgraced himself by intolerancy, or tyranny in religion; this was a blot in his escutcheon; and he would declare it, though he wore his buttons. Our religion, he said, was good for nothing, if it would not bear discussion and enquiry; the more it was examined and investigated the better. He pursued this argument for some time, and said that no person in the kingdom, nor in the world, had any thing to do with religion; it was a matter between a man and his Maker, and did not depend on any earthly potentate, nor on any priest, let him be of what description he would. He took occasion, also, to ridicule learning, that sort of learning which the schools so much admired, and which studied argument more than truth. He said, it did more harm than good; a learned man, in the parliamentary sense, was he who could best puzzle a cause and mislead plain men, and delude them out of their senses. Those men with black gowns and great wigs who sat on the right and the left of the minister, and who were generally ready to take either the right hand or the left of a cause, were called learned men; and he had no scruple to say, that, from observation of their conduct, he considered them as the greatest enemies of the constitution. He would have no objection to see the House rid of them, although it might again receive the name of *Parliamentum Indoctum*. He concluded with conjuring the House not to blast the Protestant religion so much as to accede to the motion.

Sir *George Yonge* disapproved the practice of advertising religious questions, as well as the learned gentleman; but still, as he had not produced a single proof that any mischief had arisen from it, he ought not to expect that the House would proceed to restrain meetings, which no proof had demonstrated to be irregular. He then asked if there were not laws already in being for restraining irregularities on the Sunday?

The *Solicitor General* replied, that the evil had not yet taken sufficient ground to produce much mischief; but if it was suffered much longer, it would, perhaps, be a very difficult matter to root it out. With respect to laws already in being, if a man should speak against the existence of a God, or against the Christian religion, he certainly could be punished at common law, by statute; but then in an assembly, consisting of persons unknown, it would be difficult to find out the offender, and bring him to justice. But with respect to the advertising such places, and taking money for admission, there was no law, that he knew of, to restrain it.

Mr. *Rolle* informed the House, that led by curiosity, he had attended some of the places alluded to, and had been a witness to indecencies and irregularities that were a disgrace to religion. He had complained of these assemblies to the bishop of London's secretary, as he had not the honour of knowing his lordship; and he understood that the reverend prelate was ready to contribute every thing in his power to suppress them; for his own part, he assured the hon. gentleman, that he would give him every support in his power to accomplish the suppression of meetings, which could not exist without a violation of religion and morality.

Leave was given to bring in the Bill.

May 9. Mr. Turner presented a Petition from Thomas De la Mayne, esq. and Thomas Creaser, gentleman, proprietors of Carlisle House, setting forth,

"That, from a general regret amongst the genteel class of people, that there was not any place of polite resort within this metropolis, where conversation and exercise might be united in a general society on Sunday evenings after divine service, without subjecting persons of a superior rank to mix with inferior orders of the people in tea houses, and such other public places as, from want of such a place of polite resort, they were frequently tempted to employ their evening's leisure in private assemblies, where play, music, and drinking, were too frequently introduced; the petitioners, at an expence of not less than 4,000*l.* fitted up and opened a large suite of rooms at Carlisle House with the greatest elegance, after the plan of the Bath rooms, and other places of the kingdom, as a promenade for Sunday evenings, or a place of exercise and society, which was immediately, and continues to be visited and frequented by the first nobility of both sexes, the clergy, justices of the peace,

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and other respectable characters; and that, in framing the plan thereof, the petitioners were guided in every part by the strictest attention to the rules of decency and good order; that they admitted no singing or music whatsoever, dancing, or any kind of play or gaming, nor any drinking of wines, beer, or spirituous liquors, nor any kind of exhibitions, transparent or moving pictures, nor debatings of any kind whatsoever; that they never opened their doors till after the evening's services and lectures of the church were over, and the company always retired soon after eleven o'clock, and the doors were shut before twelve; nevertheless the petitioners have reason to believe that several false reports have been set forth in misrepresentation of the said place, by persons envious of the very successful reception it met with in the approbation of the public; and that, if some few persons of light behaviour sometimes appeared in the rooms, they have been sent with a design to throw a temporary blemish on the institution, and their small number, multiplied in idea, being more conspicuous, as in contrast to every other part of the assembly, yet, from the watchful attention the proprietors have ever paid to their duty, and honour to the public, every such improper object has been with all possible care refused admittance; and from this embarrassment to improper admissions, and every other attentive regard to decency and good order, the original institution has given proof of its merit, in becoming a recreation useful to society, where innocence, taste, and politeness, can engage visitors; and that, for the above reason and consideration, the petitioners hope, the decent and virtuous institution of the Promenade may not be included within the Bill, now depending, for preventing certain abuses and profanations on the Lord's day, without a proof of any one charge of irregularity or breach of his Majesty's peace brought against it, but that it may be exempted therefrom by some particular clause to be made in the Bill; and that the petitioners may be heard, by counsel, against the said Bill; or that the petitioners, should they be included in the said Bill, may receive some adequate compensation for the large sum of money laid out and expended by them as aforesaid in the above institution, under the countenance and favour of the public, and agreeable to the then existing laws of this country; or that they may be otherwise relieved, as to the House shall seem meet."

Ordered to lie on the table.

May 11. On the order of the day for the second reading of the Bill,

Mr. *Turner* rose, and expressed his serious apprehensions of a design in government to destroy, by little and little, the foundations of religious liberty, and renewing those days of intolerance and persecution, when men were not permitted to serve God in their own way. He considered this as the first of many encroachments on this great and important ground, and he called upon the House to be very cautious how they endeavoured to abridge or annihilate the religious freedom enjoyed by the subjects of this country, of meeting together, and examining the foundations of their faith. Instead of prohibiting such pious and sober discussions, the government and legislature should be anxious to promote them. They should grant patents to preachers of all kinds, and abandon the mean, suspicious policy of religious slavery. He loved texts; he hated contexts; it was owing to contexts that so much human blood had been spilt, and so much havoc and disorder had taken place in this world under the prostituted name of religion. He begged the House to have some regard to the consolations and the enjoyments of the poor. They ought to feel for calamities, though they might not have suffered them. Charity was their indispensable obligation; and he wished to read them a chapter from the Bible on the subject. It contained doctrines which he loved better than the sermon he had heard preached in his Majesty's chapel the Sunday before. He here read the 15th chapter of St. Paul's first Epistle to the Corinthians, with comments and explanatory notes, and recommended every verse of it to the House. He pressed the House to reject the Bill, saying it would be the forerunner of other Bills, which would once more cause a deluge of human blood.

The *Solicitor General* said, it was from no spirit of persecution or intolerance that this Bill had originated, and with no design to destroy or abridge religious liberty in this country, to prevent men from serving God agreeably to their conscience, or to shed blood, and revive the scenes of carnage and cruelty that once afflicted and disgraced Europe. It was the sentiment of sober, well-disposed men, that such meetings as those aimed at by the Bill, were dangerous and pernicious in their consequences, and tended to destroy all

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religion, instead of promoting it, or of enlightening the minds of men with useful and necessary knowledge.

Sir *W. Dolben* spoke to the same effect.

Mr. *Sawbridge* conceived there were laws already in being for the prevention of such disorders as were stated to be apprehended from such meetings, and considered the present as an unnecessary as well as a very alarming expedient. The legislature multiplied penal laws of late with a degree of blameable rapidity. The statute book of the present day was full of nothing scarcely but crimes; a circumstance which struck him as exceedingly unwise, and he could not but think it tended rather to the increase than the prevention of immorality.

Mr. *Powys* took notice of the Petition which had been presented from the proprietors of Carlisle House, in which it was said, that clergymen attended their promenade. If so, it was fit that so improper an example should be removed from the public eye. He disapproved of all such meetings on the Sunday evening. If the poor people wanted amusement, they might for a shilling go to the devil at Sadler's-Wells; and if persons had half a guinea to spend, they might go to the Opera House, and see a man stand upon one leg, who could stand much better upon two; but he humbly conceived that the half guinea would be as well disposed of if given to some man who had only one leg to stand upon.

Mr. *Rolle* commended the Bill, but wished it had gone farther. The gaming-houses that were open every Sunday in the neighbourhood of the palace ought not to be suffered; and yet he understood they were frequented by some of the first men, in point of rank and ability, in the two Houses of Parliament. He expressed his astonishment how gentlemen, who, from the situation in life in which they moved, ought to be good examples to their inferiors, could reconcile it to their consciences, to come down to that House, and the House of Lords, and make laws to punish those who were beneath them, in regard to rank and fortune, for small crimes, while they themselves passed their lives in one continued round of offence to morality and decency.

The House divided:

Tellers.

YEAS { Mr. Solicitor General / Mr. Ord - - - - } 64

NOES { Mr. Turner - - - / Mr. Ald. Sawbridge } None.

The Bill was then read a second time.

Mr. *Turner* moved, That the above Petition of the proprietors of Carlisle House might be again read: which was done. He then said, that he knew nothing of the facts; he had never been at the Promenade, but from gentlemen laughing at the Petition, he presumed they supposed the contrary of the assertions to be most like the truth, and perhaps they grounded those suppositions from having been at Carlisle House on Sunday evenings, when they had committed immoralities. Taking the argument on the strong ground that the Promenade encouraged fornication, he was always desirous to choose the least of two evils, and therefore he would rather wink at a little fornication, than connive at adultery. He was sure it was better for society, that young men should pick up girls and commit fornication, than seduce other men's wives and commit adultery. However, he would do his duty as a member of parliament, and read a note he had just received. It was from the proprietors, begging him to move, that their Petition might be referred to a committee, and that they might be heard by counsel upon it. He concluded with making the motion.

The *Solicitor General* declared his astonishment that such a Petition should be brought into that House. There was scarcely a line in it that could be taken seriously. The declaration that the Promenade was calculated for exercise, plainly evinced the whole was a piece of ridicule. What had exercise to do with the matter? The word was too strong, and too emphatically used, for the House to be at a loss, what sort of meaning the petitioners designed to have it understood in. He hoped the House would treat so impudent a banter with the contempt it deserved.

The motion was put and negatived.

May 15. On the motion for going into a committee on the Bill,

Mr. *Martin* said, he thought the Bill perfectly inconsistent with religious liberty; and regarding intellectual as even much more horrible than corporeal slavery, he had much rather that his body should rot in prison than have his mind chained down by the dreadful fetters of

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ignorance and superstition. No man had a more profound veneration for the pure doctrines of genuine Christianity than he had; but he had always held in detestation the idea, that persons of the middling and inferior rank should be denied the privilege of examining the doctrines of any religion they might wish to inquire into. One of the prime excellencies of the Christian religion consisted in this, that its doctrines were as eminent for their plainness and simplicity as for their purity and sublimity. If any mysterious matters had been introduced, he believed them to have been introduced by the craft of ill-designing men, particularly priests, who could not have turned their holy profession to mercenary purposes, had it continued in its original purity. He was happy to allow that a considerable part of the clergy, in every country, might be men of real worth and well-deserved reputation; but he believed the majority to be composed of characters as ambitious, as selfish, as worldly-minded, and as ignorant, as those of any other set of men whatever. They often reminded him of the character given of such men by Milton, in bewailing the loss of his unfortunate and beloved friend Lycidas:

"How well could I have spared for thee, young swain,
Enow of such, as, for their bellies sake,
Creep, and intrude, and climb into the fold;
Of other care they little reck'ning make,
Than how to scramble at the shearer's feast;
And shove away the worthy, bidden guest:
Blind mouths! that scarce themselves know how to hold
A sheep-hook; or have learned ought else, the least,
That to the faithful herdsman's art belongs!"

If such was the character of the generality of the clergy, and such he most confidently believed it to be, was it then right or fitting that those gentlemen should have, not merely the leading, but the absolute guidance and controul of our consciences and opinions? As to the universities, if it were an advantage to have received part of one's education at one of these seminaries, it was an advantage that he could not boast of; but he should very humbly presume, that any man of a moderate share of natural understanding, and a little knowledge of the world, would be as competent to judge of any political or religious regulation as the fellow of a college, or even the dignified character of a head of a house. As to those Sunday evening amusements, which were objected to, he was much inclined to think that they rather prevented than did any mischief. Surely it was far better, that men should exercise their understandings in disputes of any kind, than be guzzling, quarrelling, or gambling in public-houses. If during the disputes, any thing grossly offensive to decency or good manners should be uttered, he doubted not but the person speaking would be immediately scouted and treated with every proper contempt; but if, on the contrary, things really ridiculous only should be laughed at, he thought the sooner such things were exploded by all ranks of people, the better it would be for the interest of truth and virtue. He was very glad to see from the newspapers, that on a late occasion some notice had been taken of the practice of gaming in a higher sphere; and he begged leave to ask the learned gentleman, who brought in this Bill, why he did not present another, effectually to suppress those abominable nurseries of gambling, which were established in the neighbourhood of St. James's. Those houses were the bane and destruction of our young nobility and gentry, by rendering them first necessitous, and afterwards consequently subject to the temptations of a minister, the badness of whose measures required corruption to support them. There might be some great exceptions to this general effect; but if there should be any men of super-eminent abilities on either side of the House, who might be the scourge and terror of any bad administration, he hoped that the learned gentleman, whose abilities and whose authority were, he was sure, equal to the task, would exert those abilities and that authority in suppressing so great, so destructive, and so crying an evil.—It struck him, that there had some art been used in joining two very different matters in the same Bill, he meant Carlisle House and the disputing assemblies. As to the Promenade, he never was there; but he should imagine, that when young men are inclined to indulge the lusts of the flesh, they rather seek privacy and retirement, than join the crowd of public assembly. He was very much for keeping strictly the sabbath, in regard to refraining from our ordinary occupations, but he never could see any prohibition from amusement even in the fourth commandment; and if we could have any innocent amusements, that might be promoted without the la-

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bour of others, he should think them perfectly consistent with the proper observation of the sabbath, and tending greatly to promote that temper of mind which incites gratitude to our Maker, and benevolence to mankind.—He hoped they would permit the middling and lower ranks of people, as well as the great and learned, to exercise the undoubted privilege of reasonable creatures, that of inquiring into, and accepting or rejecting, any doctrines, as they appear reasonable or unreasonable to the understanding which God has given them. But if it should unfortunately pass, a gentleman whose opinion he had heard, had said, that the Act should run in this manner: "And it is hereby enacted, that all his Majesty's subjects shall be permitted to exercise their reason, and use the utmost freedom of inquiry into religious opinions, and that for six of the days in the week; but on the seventh, which is called Sunday, their understandings shall be in a state of rest. And it is farther enacted, that six months imprisonment and fine of 20*l.* shall be levied on every man, who shall profane the Sunday, by exercising those rational faculties with which God has endowed him." He flattered himself that so ridiculous a Bill would not pass.

Sir *Joseph Mawbey* said, the gaming houses near St. James's, were nuisances of the worst kind, and as far as it was competent to parliament to interfere, he thought they ought. The morals of young men of fashion were well worthy the consideration of the House. It was on the rising generation that all the expectations of the future welfare and prosperity of the country were founded, and therefore every measure that tended to prevent the minds of the youth of family, from being tainted with a ruinous vice, must be desirable. Some of the young men were, perhaps, born to an hereditary seat in parliament, and others from their family connections, from the situation of their family estates, and from various other considerations, would in all probability have seats in that House. Therefore, as gentlemen well knew that personal independence was the best armour to resist the attacks of influence and corruption, every possible means of securing independence to future senators ought to be adopted, and he knew of none more likely to effect this laudable purpose than strengthening the laws against gaming; he hoped therefore an instruction to the committee to insert a clause for that end would be received with the approbation of the House, and he intended to move it.—He was told by the Speaker, that it would be irregular now, as there was a question before the House which must be first disposed of.

Mr. *Hill* said the profanation of the sabbath, by almost all orders of people, was a matter of shameful notoriety, and threatened the most serious consequences to the national morals. He commended the Bill, and wished it went farther. He talked of a newspaper being put into people's hands just as they were going into church, and after mentioning various other topics, took notice of the old custom of debating in that House upon religious subjects, which prevailed in the first parliament of Charles 1; a parliament composed of virtuous and good men, men extremely dissimilar in their views from those who formed that parliament which sat in the latter part of the reign of that unfortunate prince. The case, he observed, was at present totally different. Religious subjects were now very rarely brought under discussion within those walls; he should be pardoned, therefore, he hoped, for having, the very first time he presumed to rise and call upon the attention of the House, spoken on so serious a consideration, and the rather, as though religion had lately been adverted to one day out of seven; generally speaking, it was not mentioned there once in seven years.

The *Solicitor General* observed, that he would most willingly have adopted the ideas relative to gaming, had we not now in our statute books as excellent laws against gaming as any country in Europe. But where men of rank and distinction were bent on committing crimes, which from their nature must be perpetrated in private, no law could reach the evil, so as to prevent it entirely; but wherever money was taken to admit persons to gaming tables on a Sunday, the Bill would apply a remedy.

Lord *Surrey* thought, if there must be a Bill of the kind introduced, it ought not only to aim at the putting a stop to pursuits of gratification to the mind, and of personal pleasure, but strike at traffic, which was now carried on every sabbath day, with a shamelessness that was perfectly astonishing. He knew of no profanation of the sabbath that called more for reformation than the custom of waggons, stage-coaches, &c. travelling on

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Sunday. They ought to be abolished: when he said this, he did not mean to be understood, as intimating that persons, who from sickness or confinement all the rest of the week, by unavoidable and useful avocations, ought not to be allowed to take the air on Sundays, or take a ride for their health; he meant merely that trade and traffic should cease for that day, and be confined to the other six.

Mr. *Turner* reprobated the Bill, which he said was not meant to answer any really good religious purpose, as was pretended, but was an effort of tyranny over men's consciences. He hardly approved of any thing suggested by the long robe; half the countries that had been ruined, were ruined by men of the long robe. He made a distinction between ministers who were worthy, good men, and ministers who were proud priests, wealthy, wallowing in preferments; pluralists, deans, and bishops. He said, he never paid his court to any of the latter. Where he lived in the country, almost on the banks of the Tees, on the side of which his house stood, there was a number of poor clergy; on the other side the river, there were as many rich ones. The former were the men he delighted to keep company with; they were attentive to their duty, pious without affectation, good ministers, ready to give all the advice and assistance their neighbours stood in need of. The curate of his own parish had but 40*l.* a year; and he was glad to see him at all times. His table was open to him every day in the week, if he chose to come to it. The Bill had originated in the crude ideas of the musty fellows of a college, who loving a pipe, a bottle of port, or a bowl of punch, better than either pulpit exercise, or a walk in the air, wanted to prevent others, who could not make themselves so comfortable within doors, from going abroad for the purpose either of improving the health, or of innocent recreation. With regard to the inefficacy of the laws against gaming, which the learned gentleman spoke of, he would tell him the reason; they were laws without any principle of law in them. He stated a suit brought many years ago for trial before a jury at York, by collusion between the parties, where the penalty to be forfeited was 10*l.* and the informer was to have 50*l.* by the act of parliament. Baron Clive tried it, and though the case was made out, the jury saw through the whole connivance, and gave a verdict of not guilty, and they were in the right of it. Laws without principle, that is, without equality, without holding out the same portion of justice to one as to another, were good for nothing; and so my lord Somers said, whose tract Mr. Turner produced from his pocket, declaring he never went without lord Somers in his company.

Mr. *Sheridan* said, that whenever the vice of gaming was to be suppressed, he hoped that most pernicious species of it, the adventuring in lotteries, would be the first object of attention: this, it was true, was patronised by the legislature, and yet nothing could be more detrimental to the morals of the people; for it not only promoted the spirit of gambling among the lower orders of society, but, by suspending all industrious pursuits, tended to introduce every kind of depravity. While the evil was permitted to reign in its late extent, it was in a fair way of curing itself; for every second tradesman being a lottery-office keeper, and very few possessing any capital, the smallest loss made them abscond, and the public credulity was thereby gradually diminished; but now the practice had been regulated, by the wisdom of parliament, for the better security of adventurers, it would no doubt perpetually increase, with all its train of mischievous consequences; for government had entered into a sort of partnership with the office-keepers, and as they were to derive a benefit from the success of the delusions, they would no doubt do every thing in their power to extend their dealings. As the learned gentleman who brought in the Bill, had already on one occasion stood forward, not only as the *censor morum*, but as the *arbiter elegantiarum*, at once the Cato and the Petronius of the age, he hoped he would be active in his new character, and would join in putting a stop to lottery gaming, by bringing in a Bill to abolish all the present lottery-offices, and preventing the opening of any new ones in future.

Mr. *Sawbridge* said, that there was a promenade to the full as fit an object for abolition as that at Carlisle House, and that was the promenade in Kensington-gardens, which was much more frequented, and, he believed, by worse company. He said, he had always understood, that the more truth was enquired into the better.

The motion was put, and the Bill went through the committee, the Solicitor General moving, that the blanks for the penalties be filled up as follows: The master

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of each house, where the meetings prohibited by this Bill should hereafter be proved to assemble, to forfeit 200*l.*: the moderator of every such meeting to forfeit 100*l.*: and each of the servants who should be proved to stand at the door, to forfeit 50*l.*

On the 22nd the Bill was read a third time and passed.

Debate in the Lords on the Bill for preventing certain Abuses and Profanations of the Lord's-day, called Sunday.] May 30. On the order of the day for the second reading of the Bill,

The Earl of *Abingdon* said:—My lords, the Bill that is now under the contemplation of this House, (the Sunday Bill I think it is called) is, in my mind's eye, so truly ridiculous, at the same time it appears so very serious; it partakes so much of tragi-comedy; it so stalks in buskin, whilst it skips in sock, that really, I know not what part to take; whether to be merry or grave, whether to be silent or speak, and yet to play the mute upon such an occasion, were not only to play the fool with one's self, but to encourage the folly of others. For, my lords, taking a view of this Bill in its ridiculous light, what is the object? It is neither more nor less than this; to hinder people from walking and from talking on a Sunday night, not because walking and talking on a Sunday night is at present unlawful, but because walking and talking on a Sunday night must be made unlawful for the future; and this seems to be the whole object, scope, and tendency of the Bill.

But now, my lords, let us enquire a little into the grounds and foundation of this Bill; and first as to the walking part of it, what is the case there? The case, as I understand it to be, is this. Sunday being in this country, as in all other Christian countries, the day of *otium cum dignitate*, the day of rest, with the dignity that belongs to that rest; the day when people wash and clean themselves, and, as the saying is, put on their Sunday's best; and there being in this metropolis some, who having so washed and cleaned themselves, and put on their Sunday's best, are willing to enjoy this *otium cum dignitate*, not by walking *al fresco* on a Sunday evening, lest their Sunday's best be spoiled by the rain, but under cover; not "all by the pale light of the moon," but by candle-light, when women and linen are said to look best; I say this being the case, it has been therefore thought proper for the accommodation of this description of persons, that the large and elegant suite of apartments at Carlisle House, in Soho-square, should be opened on a Sunday evening, where the refreshments of ices are provided to cool the hot, and tea, coffee, and chocolate, to warm the cold; for it is not pretended that any other refreshments are to be had there; but walking being the *omne quod exit in um* of that place, the thing itself has, *euphoniæ gratiâ*, obtained the name of Promenade, and this I take to be the whole of the case with respect to the walking part of this Bill, the whole of the crime in the thing charged. But, my lords, if there be, as it appears by this Bill there is, such a degree of criminality in a promenade on a Sunday evening, it is wonderful to me that this Bill has not extended its clauses to the promenades of St. James's-park, and of Kensington-gardens; promenades, where indeed the refreshment of ices, and of coffee, tea, and chocolate, may not be had, but where other refreshments are actually had, and especially on a Sunday evening; such as, for example, the refreshment of reposing one's self on the lap of nature, insomuch as to make visible that tell-tale line of the song, "Green was her gown upon the grass." And as to the sin of walking, there it is had in much greater excess than at Carlisle House, not to mention that there is less sin in a sin for being under cover, as at Carlisle House, than for being uncovered, as in St. James's-park and in Kensington-gardens.

I must now wonder too, my lords, that this Bill has not gone a step farther, and taken notice of a late erection in Pall-Mall; an erection, for the outward impurities of which, the newspapers say, the erector (I think he calls himself Dr. Graham) has been already indicted, whilst the inward impurities remain untouched. But to this wonder I am aware of the arguments in answer. It will be said, that this erection is not intended for use on a Sunday; and, as Milton tells us in his Comus, "It is day-light only that makes sin," so in this Bill we find that it is Sunday only that makes sin; it is intended for the great, and not for the little; for the aristocracy, and not for the democracy: for us, my lords, to generate heirs for the nobility, who cannot do so for themselves; and for you, my lords, the bishops too, as a paper which I have in my hand will shew; the paper, my lords, is this: "Temple of Hymen. Intelligence extraordinary. A

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certain bishop has so completely exorcised the celestial beds, that the evil spirits are expected to depart in a few days. The rooms will be fumigated with brimstone, in order to the well receiving of the would-be Celestial. The Doctor has wisely opened his temple *vis-à-vis* to King's-place: that pure seminary is to serve as barracks for young recruits. Colonels Windsor, Matthews, and Adams, are to be made staff-officers, and Carrotty Kitty is to be drill-serjeant; they will learn their celestial exercise under the Doctor's own inspection, and be cleansed from all impurities. They will then be ready for the divine touch in his heavenly temple. N. B. A proper reinforcement of Irish chairmen are in pay to assist in case of emergencies."

Such, my lords, are the operations of this Temple of Hymen, or, in other words, of this curious house of adultery: but in this there is no sin; for first, these operations are the operations of lying, in which there is no harm, and not of walking, in which there is; secondly, they are the performances of a week-day, and not of a Sunday; and thirdly, because we all well know, that what is a sin in the little, is not a sin in the great. As for instance, the minister being a great man, may by his councils murder our once fellow-subjects in America; he may rob and plunder the state of its treasure, he may tear up the constitution by the roots. "But Brutus is an honourable man," and Brutus will have a dead majority, and being dead, a corrupt majority in both Houses, to support these his honourable measures: whereas a little man, for walking under cover of a Sunday night instead of the open air, is, because a little man, to be put by the same dead and corrupt majority under the rigour and the lash of a penal statute, making that a crime, which in itself is innocence.

But now, my lords, a word or two for the talking part of this Bill, and what is the case here? Some men, pious men I may say, for aught is shewn to the contrary, fonder of talking than they are of walking, and not choosing to go to bed on a Sunday night without digesting, by reason, what they had swallowed in the course of the day as a matter of faith, congregate themselves on a Sunday evening at a place, where paying six-pence a-piece for admission, they empty their heads of their metaphysics, and fill their bellies with the value of their six-pence in porter and cheese. An harmless supper this would seem, and not likely to be very offensive in the digestion! But here again, if the sin of talking, as of walking, consists in the day and not in the deed, what is the reason that this Bill does not extend itself to the Sunday-night clubs about St. James's: as for instance, to Brookes's, where indeed I am not a member, but where, my lords, as I am told, the members pay more than six-pence a piece for their supper; and as to talking, Lord, how they do talk! they talk bawdy, my lords, and sometimes heterodoxy, but not blasphemy; no, not so bad as that neither; but they talk what is worse than all, they talk politics. They abuse the minister; they say he has ruined the resources, and blasted the national honour of the country.

And shall these be suffered to talk against the state, whilst those are not permitted even to talk upon the affairs of the church? No, no, says the Bill, be not mistaken. This is not our *ne plus ultra*; pass me into an Act, give me the principle of the Bill in a law; suffer me to put down the theologians this session, and I will take care of the politicians the next: you shall hear of no more Westminster or other committees; no more associations; no more petitions: the state shall be as much out of the reach of enquiry as the church. The late edict of Russia, forbidding the Russians to talk over the affairs of the state, shall become like this, an act of the English parliament, forbidding Englishmen to talk about the affairs of the church; which leads me, my lords, to take a view of this Bill in its serious light; and as in its ridiculous light I might say, *risum teneatis amici?* so in its serious light, I might add, "*Quis talia fando, temperet à lacrymis?*" For, my lords, shall a free body not possess a free mind? Shall not an Englishman be suffered to find his own way to heaven? Shall he not dispute, shall he not debate, shall he not doubt of, shall he not comment upon that which is to be, or not to be, the means of his eternal salvation? How is fire to be drawn from the flint but by collision? And how is truth to be known but by discussion? Shall he not measure his faith of the Trinity by the rule of his reason? And shall not a protester against the errors of the church of Rome, examine whether Protestantism or Popery is most congenial to the freedom of the state in which he lives? For these it seems are the theses against which the thunder of this Bill is levied.

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But it is said, the Universities are at the bottom of this Bill; it was brought into the House of Commons by one of the representatives of one University, and seconded by another representative of the other; and therefore, "What learning dictates reason must obey." But, my lords, this is no argument with me; for we all know, that to hold men in ignorance is sometimes the business of learning; and therefore, although I have the highest respect for the learning of the Universities, all is not gospel with me that comes from them; if it were, educated where I was in one of them, I ought to entertain principles very different from those I profess. With respect to one part of this Bill, however, I mean the walking part of it, possibly the Universities might have conceived it a fit object of regulation; for being devoted to the study of the dead languages, and not so conversant with the living, they might have supposed that the term 'Promenade' meant something more than it really does, that it was the mere covering only of original sin, and therefore ought to be suppressed; but as to the talking part of the Bill, in this they could not be mistaken. This came within the pale of their own knowledge; and here, my lords, "*latet anguis in herba;*" here it is that one sees the cloven foot peeping from under the cassock. Under the pretence of profanation, enquiry is to be stopped, and truth to be suppressed. The unlearned are not to examine, lest they become learned. Truth lies in a well, and the clergy are to be the only buckets to supply us therewith. This, so far as it goes, is the principle of this Bill, a principle as subversive of religious, as it may be made instrumentally so of civil liberty; a principle as repugnant to the free constitution of this country as it is to the laws of our nature. And, therefore, as Mr. Locke tells us, "no man is bound to obey the legislature, but according to the trust put in it;" so, according to this just and fundamental principle of Mr. Locke, this Bill should not pass into a law. No positive law can suppress the laws of nature; nor is any act of parliament binding, which is to take from Englishmen the rights of Englishmen; that is to say, the rights of the constitution. My lords, I shall give my hearty negative to the Bill, for the sake of its folly as well as its wickedness.

The Bishop of *Chester* (Dr. Porteus) said, that the noble lord's speech was so indecent, and so very repugnant to the dignity of the House, that he thought it unworthy a reply. He had intended, if any thing serious was advanced, to answer it, but in the present case, he should leave the noble earl's arguments, if they could be called so, to their own demerits; for merits they had none.

The Duke of *Manchester* quoted a number of statutes enacted to prevent the profanation of the Lord's day; statutes which, if put in force, would have answered every honest purpose of the present Bill. His grace spoke very seriously on its religious tendency, and seemed to think, that however high the authority of the pulpit might be held, yet mankind were never to be convinced of religious assertions without the benefit of reply was allowed, and that one neighbour had the liberty of conversing with another on the subject of that faith by which he was to be saved. His grace farther observed, that although he was an enemy to dissipation and immorality, and although he never had been at the Promenade, yet he still considered both the places of religious debate, and of Sunday walking and drinking tea, perfectly innocent. He therefore wished the Bill might be got rid of in as decent a manner as possible, and that another on a more liberal plan might be framed, to which he would give his most hearty concurrence.

The Bishop of *Chester* said, that the noble duke's speech was entitled to a serious reply. He therefore informed their lordships, that he apprehended the noble duke to be mistaken in his idea respecting the nature of the Bill: for it was only meant to prevent that irreligion which our Protestant ancestors abhorred, but the laws to effect which were found inadequate to the purpose. He said, that instead of favouring popish persecution it was levelled at popish customs; France, and other countries of the same religion, tolerated from the principles of that religion, plays, operas, and other pastimes on the Lord's-day. But the Protestant religion, founded on the Protestant constitution and our clearest rights, did not permit that profanation, and therefore every law to serve that purpose must be truly constitutional. The places of public debate were supported not for the purpose of serving religion, but for the pecuniary advantage of the proprietors; and the people who spoke there were paid a weekly stipend, for the purpose of draw-

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ing others to the house. This he averred from the best information; and he had also the highest law-authorities, as well as information from the justices, that there was not now any act in force, to prevent that profanation of the Lord's day, which the present Bill meant to provide against.

The question was then put on the second reading: Contents 29; Non-Contents 3.

June 14. On the motion by the Bishop of St. David's, for going into a committee upon the Bill,

The Earl of *Abingdon* said:—Having already delivered my sentiments upon the subject matter of this Bill, it is not my intention to trouble your lordships with any repetition of them; but I can by no means suffer this Bill to pass, without, in every stage of it, repeating my opposition to it. I now rise to object to its commitment; and this I do, not in consequence of the arguments that have been offered against the Bill, but of the want of argument that has been had in the support of it. In objecting to this Bill, upon the former occasion, I treated it as I thought it deserved; I treated it ludicrously, I treated it with gravity: I treated it ludicrously, for "ridicule" says my lord Shaftesbury, "is the test of truth." I treated it with gravity, that it might meet the gravity of the House: but having failed in that positive mode of attack, this negative kind of opposition may now possibly prove more effectual.

I say, my lords, having failed; for the reverend prelate who has adopted this spurious offspring, and means to legitimate it, by confounding the gravity of my arguments with the ridicule of them, and, by a curious kind of logic suited to the purpose, not only triumphed in his conclusions of giving no answer either to the one or the other, but had reason to triumph too in the majority which he obtained on the occasion. Indeed, knowing the high consequence of that reverend prelate, as well as the high opinion he entertains of himself, I expected nothing other than this from him: but the reverend prelate will give me leave to tell him, however he may boast of his victory within these walls, he will find his victory without these walls pretty much like the late victory of lord Cornwallis in America: a victory that has ended in a retreat, and in the publication of a ridiculous proclamation (like this bill) which nobody minds, which nobody reads, and which every body holds in contempt.

But, my lords, although it was not in my power to call up the reverend prelate to deliver his adopted child out of the hands either of ridicule or gravity, it gave me much pleasure to find, that the House was not deprived of hearing what the rev. prelate had to say in behalf of this adoption; for being called up by what fell from a noble duke, (of Manchester) he was then pleased to state what he had to offer in support of this Bill, and it is to the paucity and futility of the arguments that were then adduced by the rev. prelate himself, that I now rest my opposition to the farther proceeding upon this Bill. What those arguments were, their recency renders it unnecessary for me to state. But, why do I call them arguments? I will appeal to the House whether any thing that was said by the rev. prelate, had the shadow or colour of argument in it; or, if it had, whether it was not in direct opposition to the Bill. The rev. prelate said, that in Roman Catholic countries, plays, operas, and other pastimes were admitted on a Sunday; but in Protestant countries they were not. But for what reason are they not to be admitted in Protestant countries? Does the rev. prelate know the wisdom and the policy of that measure? Does he not know, that the fundamental object of all government, is, or ought to be, that the people of that government should be rightly employed? How much better is it, therefore, that people should be suffered to come together of a Sunday evening, under the eye and policy of their government, to be amused by entertainments, in which there is no moral turpitude, than to be left to go a whoring after their own imaginations, and in the commission of acts, which are not only *contra bonos mores*, but which neither the eye, nor policy of any government, can remedy or prevent. Another thing the rev. prelate said, was, that he had the highest law authorities to assert, that there was no law in force to prevent that which this Act meant to provide against. Can there be a more decided argument against this Bill? Will any law authority say, will his Majesty's Solicitor General say, if these were disorderly meetings, if any thing occurred at them, which was contrary to the peace and good order of society, that there are not laws in being, and laws in abundance too, in every respect sufficient, not only to punish the offence, but to remedy the evil? What does the Bill itself say? It says, that the

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ecclesiastical courts have themselves power to punish these offences, and provides, that this jurisdiction should not be altered or abridged by the passing of this Bill. What, then, is the obvious purpose of this Bill? It is to make that a crime, which is at present neither *malum prohibitum*, nor *malum in se*, and to furnish punishments for offences, for which, if offences, it is admitted, punishments are already to be had.

I have before taken notice of this Bill in its ridiculous and in its serious light; but there is another light in which I wish to view it, and that is, in its hypocritical light. When I see that rev. prelate, and almost the whole of that reverend bench, voting for putting tomohawks and scalping-knives into the hands of savages, to perpetrate murder in its horridest extreme; when I see those Protestant bishops, voting for crucifixes to perpetuate and establish Popery in America, in order that Popery may establish despotism in the crown; when I see them addressing his Majesty, and in their address not only asserting the war with America to be just and necessary, but, (as a species of peace-offering, acceptable enough to the king of men, but from them, as ministers of the gospel, not quite so acceptable to the King of kings,) praising God for every victory that has a tendency to the blessings of peace, praising God for the shedding of human blood; for such is the object of their prayer; what must I think of this Bill? What must I think of it, but as a measure intended to throw dust in the eyes of the people; as calculated to draw off the public attention from those that are above, and place it on those that are below; to make the world believe, that the sin is not in them, but that the wickedness lieth in the people; that the shepherds would save their flock, but that their flock will not be saved; that they are busied in good works, in their watchfulness and care over the morality, the virtue, and religion of the state; when at the same time they are employed in upholding, with all their heart, with all their soul, and with all their might, the most abandoned administration that ever cursed the government of this or any other country, upon the face of God's earth.

The Bishop of *St. David's* said, that, if his lordship had said any thing new, or had treated the subject with becoming gravity, he would have endeavoured to have given him an answer; but as no new arguments had been advanced by his lordship, he should not take up the time of the House in answering them, especially as they were of too ludicrous a kind to deserve an answer from a member of that House.

The House then went into a Committee.

The Earl of *Abingdon* rose and said: Your lordships having thought fit to send this Bill to a committee, my next struggle must be, as I cannot do away its wickedness, to lessen, if possible, the degree of its folly, and therefore, in order to this, I shall beg leave to trouble your lordships with one or two amendments. The first is of the title-page; which being "A Bill for preventing certain abuses and profanations on the Lord's Day, called Sunday;" I would wish, after the word "profanations," to insert the words "as well," and after the word Sunday, to add the following words, "as on the other days of the week," and then the title will run thus: "A Bill for preventing certain abuses and profanations, as well on the Lord's Day, called Sunday, as on the other days of the week." And to this amendment, my lords, I am led by the preamble of the Bill itself; for it is there said, that "debates having frequently been held on the evening of the Lord's Day, concerning divers texts of Holy Scripture, by persons unlearned and incompetent to explain the same, to the corruption of good morals, and to the great encouragement of irreligion and profaneness;" and therefore, my lords, if this be true, that debates held on the evening of the Lord's Day (as described) are to the corruption of good morals, and to the encouragement of irreligion and profaneness, debates (of the same description) held on any other evening, must necessarily produce the same effects; and if the same effects are produced on any other evening, it is equally incumbent upon us to remedy those effects; and if it be equally incumbent upon us to remedy those evils, it follows according to the rules of sound reason, that my amendment stands without objection. Possibly indeed, it may be said, knowing the power of the legislature to pass an Act for every day in the week, when the occasions shall call for it, and how easy a thing it is to multiply laws, that this law may prevent the other six from being enacted; but in answer to this, I am to inform your lordships (as I am instructed,) that these

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profaners, determined upon their profanations, and to evade this Act, have already agreed upon Monday instead of Sunday evening to hold their future meetings; and therefore, my lords, that we might not be outwitted by these sinners, I hold it best that we should prevent them at once, and by this Bill, from debating upon any subject whatsoever (as the Bill now enacts) upon any day whatsoever, and by this means give them a proof that we have at least as much wit as they have.

With respect to the debates of these men upon the alteration of their meeting from Sunday evening to Monday evening, they were so curious, that I cannot help giving your lordships some account of them. It was first of all moved, that Saturday evening should be the time of meeting, instead of Sunday; and in support of this time, it was argued, that the next day being Sunday, when it was not necessary for them to go to work, they could not only lie in bed all the day, and rest themselves, but by so doing, spite the bench of bishops by not going to church. To this it was answered, that Saturday being the Jews' sabbath, and the Jews being rich, and the state poor, the Jews might give the minister a sum of money to prevent this meeting on Saturday evening, as had been done on Sunday; but here in reply it was argued, that the Jews being rich, and the state poor, when the minister wanted the money of the Jews, he would take it as he had done the money of the East India Company, by the omnipotence of an act of parliament, and without any agreement at all; which removing the objection to Saturday evening, it was then contended by way of rejoinder, that Saturday evening was, according to the books of Dœmonomania, (books which the right reverend prelates are no doubt acquainted with) the sabbath of the witches; that these witches, to prepare themselves for this meeting, take certain soporific drugs, that then the devil appears before them in the form of a goat, around which they make several dances and magic ceremonies, and afterwards fly away up the chimney upon a switch; and this, it seems, my lords, put the company in such a fright, that they all, *unâ voce*, agreed to change their meeting from Saturday evening to Monday evening. I hope, my lords, I have said enough to induce your lordships to adopt the amendment I have proposed; and if so, the next amendment will of course be, that the words "or upon any day whatsoever," be made to follow after the word "Sunday," in the first enacting clause, and whenever else they may be required.

The foregoing amendments were read in their order by the chairman, and negatived; when the noble earl rose again, and said, My lords, my amendments being rejected, I have now an entire clause to propose, a clause of proviso, and it is this: "Provided also, that this Act does not extend, nor be construed to extend to Quakers' meetings on a Sunday evening, inasmuch as these meetings being silent meetings, they cannot in any sense be said to fall under the meaning and intention of this Act." This clause being also negatived, the Bill was committed. On the following day it was passed.

Motion for a Tax upon Placemen and Pensioners.] May 21. Sir *P. J. Clerke* called the attention of the House to the motion which he had intimated, of a tax to be laid upon placemen and pensioners. He considered this as a very proper and necessary measure, in the present very critical and distressing situation of affairs. It was a resource to which the nature of our danger and of our wants inclined us to look; for who were so proper to contribute to the maintenance of the war as those noblemen and gentlemen who had been the authors of it? It was a tax, too, warranted by precedent. There was already a small duty upon places above a certain amount. He thought that the circumstance of military officers being reduced to half-pay in time of peace, suggested the propriety of reducing civil officers to half-pay in time of war. There were many places in which the salaries were moderate, and the trouble was considerable; he would not wish to affect them; but from the evidence of the Journals, he was warranted in saying, that there were several places inconvenient, useless, and expensive, which ought to be abolished altogether, much more taxed. This being the sense of the House, he could not believe that they would oppose a measure, to the propriety of which they had in fact agreed. Nor could he believe that this measure would be in the least offensive to those gentlemen who held places and pensions under government. They had expressed, through the whole progress of the war, the utmost anxiety for the support of it, and zeal for the wel-

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fare of their country. They could not, then, but be pleased with the opportunity of proving the truth of their professions, and of standing forth with a small part of what they received in support of that war to which they had given birth. The motion which he had to propose, was a tax of 5 per cent. on all places and pensions above 200*l.* a year. He made it this sum, because he thought that this would nearly bring them to the same rate as military officers in time of peace, to half-pay. He said, he had not consulted the sentiments of gentlemen on this point. He had not even asked his friends to come down; nor did he know whether or not his motion would be seconded. He had left it totally to its own merits. He concluded with moving, "That it be an instruction to the Committee of Ways and Means, that they do consider of applying to the service of the public, during the continuance of the present war, a certain proportion of the income of the offices held by persons who now are, or may be, members of either House of Parliament."

Mr. *Hartley* seconded the motion, as a just relief offered to the public in a moment of exertion and suffering against new taxes and burthens. The subject was oppressed with taxation. He was obliged to contribute, from his hereditary fortune, or his daily industry, large and increasing sums; while those who were favoured with the places and pensions of government were relieved from the taxation, though they were the authors of the necessity. He called to the recollection of the House the petitions of the people; and said, that they recommended strongly the present proposition to the House; for it went to a very considerable saving in the public expence.

The House divided:

	Tellers.	
Yeas	Sir P. J. Clerke - -	35
	Mr. Hartley - - -	
Noes	Mr. William Adam -	91.
	Mr. Johnes - - -	

Debate on the Ordnance Extraordinaries—State of Pensacola—Relief of Gibraltar, &c.] The House then went into a Committee of Supply.

Sir *Charles Cocks* rose, and stated to the committee the sums that were required to answer the extraordinary services of the ordnance for the current year. The hon. baronet said, the committee would consider the necessity that there was for extraordinary exertions at a time when we were involved in so dreadful a war with so many enemies. Since the first estimate was laid upon the table another enemy had started up against Britain in the States-General, against whom also we had to provide, and the farther exertion made the expence the more. The sums which he was now to move for, were, for services of which the ordnance could not give an estimate at the time that they presented their former accounts to the House. Of some of the services they were not aware at the time; but were obliged to provide for them as the operations of the war required. There was a charge of 64,538*l.* for the purchase of lands, and the expence of erecting batteries thereon, in different places of the coast. As he could not, without danger to the state, lay before the House the particular estimate of the expenditure of this sum, he must consider it as receiving so much upon account, for which the board must be answerable to the House when they could, without apprehension or danger, state the particulars of the application. By stating to the House now the places where these forts and batteries had been erected, and were erecting, would be to point out to the enemies where they might attack us with advantage, and where with detriment. The next article was a small sum, incurred by the blowing up of part of the powder works. It was 5,000*l.* These were all the additional expences for home service. The next article was for the expence of powder and stores sent to Gibraltar by the fleet. This amounted to 59,709*l.* He could only say, with respect to this charge, that the whole quantity of powder and stores ordered, had been duly sent by the board, and they were supplied with ammunition of every kind to serve them for a reasonable time. He observed gentlemen seemed displeased with his charge. It was evident, that in whatever manner the Board of Ordnance acted they would be condemned; it would be either said of them that they gave too little or they gave too much. In addition to this there was a charge of 4,250*l.* for the stores sent to Minorca by the same fleet. The next article was for erecting a very useful and necessary fort in Florida: the sum was 20,500*l.* This had been erected under the inspection of colonel Campbell; and, from the report of the lieutenant-governor,

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who was lately returned home, having been a prisoner, he was enabled to say that it was a very important and strong defence. The enemy had contrived two expeditions against Florida, and had gone to an expence of blood and treasure more than it was worth. This had at least made a considerable diversion in our favour. There was a sum of 5,895*l.* for expences incurred for Goree; 4,500*l.* for Halifax, in Nova Scotia; 3,364*l.* for Newfoundland. The importance of these places would be a sufficient justification for the expence. There had been erected in East Jersey, works which had amounted to 6,875*l.* and for the stores and ammunition sent to the island the sum was 10,633*l.* The late attack upon that island had made these additional expences necessary. The last article in the charge was for Virginia: it amounted to 4,553*l.* and was for stores furnished at the requisition of the governor. The whole of the account, for which he had to move the committee, amounted to the sum of 252,104*l.* 3*s.* 4*d.*

Mr. *T. Townshend* animadverted with great humour on several parts of the hon. baronet's estimate, and particularly on the charge that was made for buildings which were not to be discovered to the House for fear that they should be discovered to the enemy. The hon. baronet had displayed wonderful powers of wit, genius, and humour, in the course of his speech, and had with equal gravity and ingenuity told the committee that France, Spain, Holland, and America, being at war with Great Britain, had hostile intentions towards us; that our foes, being treacherous, were perfidious enemies; that great and expensive military operations cost a great deal of money; and he had concluded the whole of this able, ingenious, and most witty speech with an epigrammatic motion for the committee to vote no less a sum than 252,104*l.* 3*s.* 4*d.* for the extraordinaries of the ordnance. From this jocose method of treating the subject, Mr. Townshend grew more serious, and said, thus it was that parliament was called on year after year to vote large estimates, without explanation and without account; the only argument now thought necessary to be used was merely a string of general remarks, as applicable to one occasion as another, and which gave no satisfaction to gentlemen, nor proved in any degree whatever, either that the sums they were called upon to vote were to be applied to necessary services, or that any sort of care was taken of so large a branch of the public expenditure as that under the controul of the Board of Ordnance. The hon. baronet had come down for a large estimate some time since, now he came down for large extraordinaries, and that was not all; for the hon. baronet had told the committee that they were to have another expence to provide for, that of the camp establishment of the summer, which the hon. gentleman had declared would amount to above 60,000*l.* This mode of doing business was mere trifling; why had not that expence been charged in the present extraordinaries, and the whole that the public had to pay been brought before the House at once? It was evident from the hon. baronet's having mentioned the sum of 65,000*l.* that he could give a pretty good guess what the amount would be. With regard to the charge for Gibraltar, he found no fault with it on account of the sum; he only wished to know whether the quantity of powder which was ordered had been sent, as a rumour had gone abroad that they had been so exceedingly short as to be fearful of using what was in the magazine, and also that it was of a very inferior quality. But he could scarcely complain of the enormous amount of the extraordinaries, nor of the small share of satisfaction afforded parliament by the hon. baronet, as to the necessity and the œconomy of the ordnance expenditure, when he considered that a building, under the name of a Royal Academy, was going on at an immense cost to the public. While such unnecessary and idle works were prosecuting, to look for care and œconomy in the management of unavoidable subjects of expence, would be as ridiculous as it was from the fashion of the time to expect accounts and information, when the House were called on to vote away large sums of the public money.

Sir *Charles Cocks* said, that the board of ordnance had no authentic information before them on the subject of the encampments, and it would not be justifiable for them to come to that House with matters of mere presumption and probability. When the facts were in due form made known to them, then they should be warranted in stating them regularly to the House. He gave an account from an office paper of the quantity of powder that had been in the garrison of Gibraltar since 1777, agreeably to the several reports transmitted by the governor.

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Mr. *Burke* spoke for some time in a humourous stile on the present ordnance extraordinaries; he said the first estimate from that board he considered as a substantial dish, the roast beef of the table; the extraordinaries now to be voted were the second course, rather less substantial; and by and by a tolerably expensive desert of 65,000*l.* costs was to be brought before them. He had been once one of those ill-informed persons who believed that the office of ordnance was inconvenient and useless, and might be abolished without injury to the public service. He was now, however, of a contrary opinion, for they shewed such address and skill in preparing the defence of their country that they deserved the highest commendations. Inquire where this defence, these forts, and batteries are! Oh! no, by no means; that would give information to the enemy, they go on a more ingenious plan. They write up "spring-guns and steel-traps are set here," but they do not point out the exact places, for then the enemy would not fall into them. It was impossible, he said, for any man to discover whereabouts our batteries and fortifications were placed; they were absolutely invisible, and yet so wonderfully well disposed, that whenever an enemy attempted to invade or march through our territories, he would be certain to find himself all of a sudden exposed to the fire of our cannon, or stopped in his progress by our intrenchments. This was a kind of enchanted island, wherein, like that at Drury-lane, the ground was covered with trap-doors and pit-falls, and he was sorry to add, that like those, when the curtain dropped, we should probably find the whole a kind of farce. So he supposed these fortresses that were built God knew where, would spring up and catch the French, let them attempt to attack us wherever they chose. Thus our enchanted island would produce new defences at the will of that board of magicians, the Board of Ordnance; and though no Englishman was to know where they were, the French would find them to their cost whenever they approached. He wished these new defences might not be found, as some of our old ones had been in times of danger, to be forts without guns; or else, forts mounted with plenty of guns, but without men enough to fight them. This invisible system of theirs had been very successful. But, however, their works were not all invisible. Their ramparts and their batteries, and their strength, are invisible in every place but in that House. There they erect their fortresses, and there they plant their artillery; and if their cannon succeed there, they are neither careful nor anxious for the defence of their country in any other part. If the place and the pension be saved the point is gained. The hon. gentleman commented with equal pleasantry on other parts of the account. He noticed the expenditure of 17,000*l.* in building barracks, and an hospital in Tobago, as a shameful waste of money; all this money being laid out merely to lodge two companies of soldiers. The account was a perfect jack-o'-lanthorn. A person did not know where to have it. It led him from place to place with the most ingenious artifice. It was intitled on the back "Estimates of the ordnance for the land service." And no sooner do you open it, and begin to read, but you are carried to sea. You wish to examine how, after the sum granted by parliament for the ordinary expence of the sea service, which in all former periods had been deemed nearly sufficient, so large a sum should now be required for that branch of expence. Oh! you are immediately answered, you must consider the sum expended in the land service. Inquire then how so much should be spent in the land service; and you are instantly launched again upon the wide ocean; and must consider the expence. In a word, he found that in those estimates,

> Where so much sense and skill go hand in hand,
> The more we read, the less we understand.

Mr. Burke himself as well as the House laughed at this distich. He assured them the verses were extempore, and had come from him without his intending it; but gentlemen well knew the observation of Juvenal, "Si natura negat, facit indignatio versum." He said, there were complaints abroad, that though it was boasted of as an excellence our powder was made at home, yet the Spaniards' powder would reach us at Gibraltar, but ours would not reach them. This called for enquiry. He had often known the word home-brewed serve as an excuse for the most execrable beverage that could be set upon table; and thus, though the landlord thought it enough to say that his liquor was home-brewed, the guest suffered by it, and this might possibly be the case with our powder sent to Gibraltar. Another matter deserved notice, and though

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it was but a rumour, yet that rumour was so generally credited, that he thought the affair ought to be ascertained, and if it turned out to be true, blame, and severe blame, must lie somewhere or other. What he alluded to was, the report that from some neglect the garrison of Gibraltar was left so destitute of powder that admiral Darby was obliged almost to strip his fleet, in order to leave 2,000 barrels in the magazine of the garrison. He called upon some one or other of the commissioners to inform the House what they knew in respect to this fact. It was exceedingly material, that neglect, so dangerous and blamable, should be enquired into. He took notice of the singular reason that was given for going to the expence of 20,000*l.* for erecting a fort in Florida. It was a very large sum, and the consolation that the House received was, that it had been the means of putting the enemy to the expence of more blood and treasure than it was worth. We seemed only mindful of the expence to which we put the enemy. If we put the enemy in any expedition to a little more expence than we incurred ourselves, it was held a sufficient reason for our waste and extravagance. He compared Pensacola to an impure of fashion, and said, the repeated charges for its works being repaired and strengthened, and arguments used in justification of the expence, on the ground, that notwithstanding it cost us a great deal, yet if the Spaniards took it, it would cost them a great deal more; reminded him of one of those ladies, who though extremely coarse and ill-favoured herself, yet having been talked into a reputation, by the polite world, was first kept by a man, till having ruined him, she gave her company to a second of greater fortune; which having wasted, she passed on to a third; and so on till she had ruined the whole set, each of her keepers consoling himself with the idea that his successor, in possession of her charms, would unavoidably be reduced to beggary by her extravagance as well as himself. The hon. gentleman gave way to the liberal impulse of his mind; and as a lover of the arts, which give true grandeur to a country, said he would not agree with his hon. friend that the building of the Royal Academy was a matter to be complained of. For a great kingdom to adorn its metropolis with magnificent buildings was, he thought, at all times wise and justifiable, but that was not the only defence to be made for the erection of the Royal Academy. The congregation and bringing together of a great variety of offices, had, from various motives of convenience and dispatch, been a matter much desired. The ruinous state of Somerset House, and the large scite of ground it stood on, added to the eligible situation of the spot, all combined to prove that the space occupied by a falling and deserted palace, would be very usefully filled with an assemblage of public offices. On that idea the old palace was purchased for the public, and on the ground, on which it had stood, an immense pile of building had been raised. No man, who looked at the present state of the works going on there would think that the money had been wasted, or lavishly employed; the structure, already erected, answering for every pound that had been voted, so satisfactorily, that a doubt could not remain in any spectator's mind as to the honesty and care of the application of the sums that parliament had granted for the service. The buildings were upon an immense scale, and when completed would be of infinite utility. He saw, therefore, no reason to complain that a splendid front had been erected, and that, as you entered the portal of public office, you passed the seat of elegance and taste on the one hand, and of learning and philosophy on the other. Such a building did honour to the present age, and it would render the metropolis of Great Britain famous throughout Europe. These were not among the deeds of the Board of Works that he should disapprove of; when he saw value for the public money; when there was so much national grandeur and magnificence, for so many guineas, he would never complain. It was their invisible works to which he objected: works which were never discovered, nor discoverable, except in the estimates of expence, which they laid upon that table.

Sir *C. Cocks* replied that the Ordnance office had no account of admiral Darby having supplied Gibraltar with any powder, but that sent out for the use of the fortress; that the full complement demanded by the chief engineer had been sent; that the board had lately heard from him, but he had not mentioned a word of that circumstance; and he could not conceive there had been any want of powder, as several thousand barrels were always kept there as a depôt over the ordinary supplies.

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Lord *George Germain* said, that with regard to Pensacola, the place was certainly of importance, and the Spaniards were of the same opinion, having already fitted out two expeditions against it, both of which had miscarried. He believed the 20,000*l.* was not thrown away, for general Campbell, his chief engineer having been taken prisoner, had employed an able engineer of the foreign troops, to fortify the town and harbour, and such was the present strength of the place, that he flattered himself the Spaniards would not find it an easy conquest. With respect to the powder said to be left at Gibraltar by admiral Darby, the fact was not so ascertained as to enable him to speak it with certainty; but his opinion was that the report was founded, and that admiral Darby finding that there was rather less powder than other stores in the magazine, had left what he could spare. If this should be the case, he thought that Admiral Darby acted in a proper manner. The garrison had lately received the greatest supply ever sent it, and it would be unnecessary to send again for more than a year.

Mr. *Byng* said, all that the noble lord had suggested, was a proof of the scandalous neglect of office. Pensacola had been left to chance, and the commander there had been obliged to pick up a strange engineer to repair the works. As to Gibraltar, if it was true that admiral Darby had left 2,000 barrels of powder there, an enquiry ought to be set on foot, to find out who it was that had been so scandalously neglectful. Another report also called for an enquiry, it was said governor Elliot had sent home a requisition for 15,000 barrels of powder, and that only 1,500 had been sent.

Lord *George Germain* imagined the story just related must be a mistake, for the magazine at Gibraltar could contain no more than 9,000 barrels, and as the street was not a proper place to keep powder in, he could not suppose the governor would write for 6,000 barrels more than the magazine would hold. If admiral Darby had left 2,000 barrels of powder, it by no means followed that the Board of Ordnance were to blame; the duty of that Board was to send out so much powder and stores as the commander in chief in the place wrote for. Respecting Pensacola he also begged leave to set the hon. gentleman right. Government had not neglected the place, but the works not being thought sufficiently strong, the commandant there had not waited till the Board sent out an engineer, but had prudently employed an officer of competent skill belonging to the foreign troops; and it gave him pleasure to find that general Campbell had, so much to his credit, exerted himself to put the place in the best state of defence.

The Resolution was agreed to.

Debate on Mr. Gilbert's Bill for the better Relief and Employment of the Poor.] May 22. Mr. *Gilbert* moved for leave to bring in a Bill for the better Relief and Employment of the Poor. He said it was a subject the most difficult, and at the same time the most interesting and important to the future welfare and prosperity of this country, that could be brought before parliament; that he felt the weight of it, and was conscious how unequal he was to the task he had undertaken; but knowing that industry and application, with perseverance, would, in some degree, supply the want of abilities, and relying on the candour, good-will, and affection of the House, to an undertaking which so nearly concerned every individual member and his constituents, he would presume to state this matter in the light it appeared to him upon the most mature consideration.

That, before the 43d of Elizabeth, the poor were chiefly maintained by the religious houses, and the bounty and generosity of well-disposed persons. That, by the 43d Eliz. provisions were made for their maintenance and employment. That it was a humane and politic law, penned with great accuracy and ability, but he apprehended, that if the compilers of it had foreseen what had since been grafted upon it, and had passed in consequence of it, that law would never have passed. That the subsequent statutes, concerning settlements, removals, certificates, and bastard children, had perplexed, confounded, and defeated the best part of it. That idleness and profligacy had supplanted labour and industry, which were the great objects of that Act, and that men of vicious dispositions, rather than labour to maintain their wives and children, most unnaturally forsake them, and go into remote parts of the country, sometimes working, but more frequently pilfering and plundering for their own subsistence; leaving their families, as they term it, a legacy to the parish, considering them as

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entailed upon the landed property of the kingdom. Thence, he said, arose the distresses to their poor families; the parish officers treat them with cruelty, raise disputes about their settlements, and drive them from place to place, by which they are exposed to many hardships and distresses. That these burdens and distresses have been long felt, and have occasioned, within the last century, many efforts to be relieved from them, but hitherto without success.

That the last attempt, which was made, was 16 years ago,* by a Bill to divide every county into convenient districts, and to establish houses of industry. The Bill, in which he took a part with many other gentlemen, made its way through that House with general approbation, but was very unfortunately lost in the House of Lords. That many circumstances had since happened to set that object in a different view. The scarcity of money and the increase of taxes would render the expences of building and providing such houses as were then intended, insupportable, if, upon full consideration, that should be thought the best plan to be adopted. Under these circumstances he had turned his thoughts to attain the end sought for by that Bill upon a more œconomical plan. And instead of erecting large and expensive buildings for the reception of all sorts and descriptions of poor people, he wished only to confine it to the aged, infirm, and impotent poor, who were unable by their labour to maintain themselves.

In order to keep as near the present law as may be, he wished to adopt the plan suggested by the 9 Geo. 1, so far as it authorises several parishes and places to unite in the expence of building or hiring houses, and appointing a governor for the better maintaining and employing their poor. But not that part of it which directs that they shall contract for their maintenance and their labour, as that power, when it has been exercised, has been in many instances much abused. That many parishes have departed from the practice of farming out their poor by contract, and have united for the purpose of maintaining and employing them at a common expence, under the direction of a governor, according to rules and agreements established among themselves, but having no legal authority to enforce them, they find much difficulty in proceeding; that he had prepared a Bill on the plan of that of 9 Geo. 1, and had introduced such provisions and regulations as he thought most likely to afford relief to the poor, and prevent all extravagant and unnecessary expences. That to prevent the charge of new buildings, there would be opportunity, within the circle of a few parishes, which might think fit to unite, of taking some old mansion, or a few small houses or buildings, to be fitted up for the purpose at a moderate expence, if the objects are confined to the class he had mentioned.

The second class he proposed was to consist of infant children, and deserved particular attention. He had, in this Bill, made no provision for them within the houses, but had directed that they should be placed out with reputable people, and taken proper care of, under the inspection of the visitor, till they should be of age to be put to service or apprentice, and then placed out in that manner according to the present laws. As overseers of the poor, who were frequently chosen by rotation, were sometimes very ignorant and improper persons for the office, he had introduced a clause in the Bill, authorising the inhabitants to choose a person of credit and ability, who should be called a guardian, and allowed a salary. If such a one was elected, he was to have the care of the poor in every respect; but the churchwardens and overseers were to make the rates, collect the money, and pay it by order from the guardian.

That the next class respected the idle and disorderly, who were the most expensive, and occasioned the greatest difficulty. Those persons were improper to be placed in a house with the others, a practice which, in his opinion, had been a fatal error in many of those establishments. The house of correction was the proper situation for them; and in the Bill prepared they were to be sent thither, to be kept to hard labour. The Bill was solely confined to the relief and employment of the poor.

That the houses of correction, to which offenders were, by many acts of parliament to be sent, and there confined to hard labour, by way of punishment and reformation, were in such a wretched state, that it was a mere mockery to send them thither, as there were in few of them accommodations or apartments suited to the purpose. As an instance of the disregard of the laws in that respect, he took notice of

* See Vol. 18, p. 541.

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the returns made to the House some years since, upon an inquiry into the state of those houses; by which it appeared, that in 46 English and Welsh counties, which had made returns, there were 2,731 persons committed to the houses of correction in one year for hard labour; and that all the money earned by their labour amounted only to 126*l*. That it would be in vain to establish any alteration or reformation respecting the poor without regulating the houses of correction. That it would be proper to have a Bill passed for that purpose, and also for enforcing the vagrant laws of 17 Geo. 2, and that these were provisions of very great importance, much wanted; he therefore hoped the noble lord, and every other member of that House, would give his best support and assistance in it.

Leave was given to bring in the Bill.

Debate in the Commons relating to the Affairs of the East India Company.] May 23. General *Smith* moved, that the report of the committee on the Petition from the governor and council of Bengal, should be read; which having been done, he recapitulated the many hardships that the Zemindars or feudatory princes of India, together with the natives of that country, suffered from having been subjected to the jurisdiction of an English tribunal, and to English laws. He represented the establishment of that tribunal, and the government by English laws, as completely inconsistent with the customs, manners, and religious principles of the Indians; and hence concluded, that it would be proper, perhaps, totally to abolish the supreme court in India. However, he did not mean at present to go so far; he intended only to introduce such regulations as should make the court of judicature less odious, less oppressive to the Indians: they were daily harassed by its summonses; and the whole country were enemies to its jurisdiction. Nay, the judges had carried their authority so far, even over the Company itself, as to authorise the sale of lands belonging to the Company; thus taking on themselves to determine upon the right to the territorial acquisitions; a question upon which parliament itself had never yet thought proper to give an opinion. The consequence of their ordering those lands to be sold was, that the governor and council had been obliged to have recourse to arms to prevent the sale. The country was in disorder. All law and regulation was at an end, and there appeared a most dangerous and extensive scene of anarchy and confusion, which forcibly called for the immediate intervention of parliament. He then moved for leave to bring in a Bill to that effect, to explain and amend so much of an Act, passed in the 13th of his present Majesty, for the better regulation of the affairs of the East India Company, as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta in Bengal, under a judgment of the supreme court of judicature; and also for indemnifying the governor-general and council of Bengal, and all officers who have acted under their orders or authority, in the resistance made to the process of the supreme court.

Sir *Richard Sutton* did not mean to oppose the motion, but could not resist the inclination to make some observations on what had fallen from the hon. gentleman. In the first place, the jurisdiction of the court never was extended, and it never was in the intention of the legislature or of the judges to extend it over the native Indians or feudatory princes of the country in general. The act of parliament had clearly determined the limits of the court's jurisdiction, by confining it to the subjects of Great Britain, and such Indians as lived with them, and were in their service; but the authority of the provincial courts was by no means taken away; it still existed uncontrouled by the English judges; and a clear proof of this was, that no person whatever, except British subjects, and the Indians that lived with them, were obliged to commence any suit in the English court: it was indeed open to all; but no one was compelled, except as above excepted, to become a plaintiff in it; and the only thing the natives seemed to complain of was, that those against whom suits were instituted were forced to become defendants: nor did the judges make the laws of England the invariable rule of their conduct; they attended to the customs and usages of the country; and decided according to them when it was necessary.

Mr. *Dempster* was favourable to the Bill, but could not hear the judges mentioned, without giving them the tribute of applause to which he thought they were justly intitled. It was observable, that in all the petitions that had been presented against them, there was not even the shadow of a charge of corruption or pecula-

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tion to be found: in all parts of their judicial capacity their purity stood confessed from the silence of their accusers, who seemed not to want inclination to mention every head of accusation that could be brought. He wished not to establish the English laws over the Indians; but he wished that all the appeals that lay from the Indian courts to the governor and council, might, in future, be determinable by the judges, because he was convinced, that making the laws of England and the customs of the country their guides, as occasion and the nature of the case might require, their decisions would be founded in justice, equity, and the strictest integrity.

Leave was given to bring in the Bill.

Lord North then moved the order of the day, for the House to resolve itself into a Committee of the whole House, to take into consideration the present state of the East India Company, the proper method of governing and managing the territorial acquisitions and revenues now in their possession, and of securing to the public a just proportion of the profits arising therefrom. This motion being put and carried, his lordship moved that all the papers relative to the proceedings of the general court, in respect to the renewal of the Company's charter, then on the table, be referred to the consideration of the Committee, and that the Speaker leave the chair. Mr. Ord having taken his seat at the table,

Lord *North* said, it had been much his wish that an agreement for the renewal of the Company's charter should have been amicably made, and that voluntary propositions should have come from themselves, offering terms for the benefit of the exclusive trade, and of the territorial acquisitions. Had this been the case, parliament would have been able to adjust the bargain without much trouble. He was sorry to say the business came before the committee in a very different shape, no petitions having been sent from the Company, nor any agreement made; it was true a negociation had taken place between him and the chairman, and deputy-chairman; but the propositions were not such as the public might expect or the parliament accede to. As an individual he was ready to agree to some of them; to others he could not, and he would explain to the committee his reasons. The chairman, and deputy-chairman, in their conversations with him minuted down his sentiments, in order to state them to the general court, and it appeared that they had come to certain propositions, which were to go to a ballot next day; but as he saw among them one which he could not accede to, and which in his opinion ought not to be admitted by the legislature, he thought it right, previous to the ballot being held, to submit his reasons to the committee against that proposition, and to move a resolution upon it, which (if the committee agreed with him in its propriety) would at once convince the Company, what the public opinion was upon a point in which their interest was very deeply involved. The first matter adjusted by him on the part of the public was, to agree to grant a renewal of the Company's charter, without paying any fine; he agreed to this, because, under the present circumstances of the Company, he thought the public ought to renew it, without expecting a great deal of money as the purchase. The proposition which the Company meant among others to ballot for, and of which he wholly disapproved, was the following: "That all the East India Company's present charter-rights and privileges shall be preserved to them entire, so far as is consistent with the rights of the crown; that the exclusive trade be prolonged for the term of ten years, to be reckoned from the 1st of March, 1781; besides the three years notice to be given according to the Act of the 17th Geo. 2, and that in order to the utmost of their power to alleviate the public burthen, the directors are empowered to pay into his Majesty's Exchequer any sum not exceeding 600,000*l.* on condition of receiving in return, bills on his Majesty's Exchequer, which in case of any unexpected exigencies on the part of the Company, the commissioners of the customs and excise should receive as cash, for payment of the Company's accruing duties, such bills not to bear interest, or to be brought to market like other bills."

This proposition was liable to various objections, but his principal one was this; it virtually put an end to the claim of the public to the Company's territorial possessions, by assuming that no money was due to the public from the Company, and by offering to lend the public upon Exchequer bills that very 600,000*l.* which he had always been of opinion the public had an indisputable right to, on the authority of two resolutions come to by the

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House of Commons on the 5th of April, 1773. In these resolutions it was expressly declared to be the sense of the House, that the public had a right to three-fourths of the surplus of the profits of the Company, after the Company had divided 8 per cent. on their capital stock. With regard to the territorial acquisitions, his lordship said that he had not the smallest doubt, and indeed men more conversant with law than himself, were clearly of opinion, that the public had a right to all territorial acquisitions made by private subjects; how far it might be proper to let the revenue of these territorial acquisitions remain in the receipt of the Company was quite another question. He undoubtedly thought it would be wise to leave the revenue in their hands as long as they held the exclusive trade, because the one was connected and blended with the other, but as to foregoing the claim of the public, that he never would. In wording the proposition which he had just read, he observed the Company used the terms, "as far as is consistent with the rights of the crown," and had left out the words "and legislature." To this he had no manner of objection, because undoubtedly the rights of the crown implied the rights of the people, the crown in that sense meaning merely the executive branch of government. That part of the proposition for which the Company offered to lend the public 600,000*l.* was a tender which it was impossible to accept for various reasons. Although the Company, as individuals, had offered to lend money upon these conditions, the offer could not be accepted; for besides that the offer to lend the money implied a denial of the right of the public to claim it, the terms of it were such as put it out of the power of the public, though their exigencies were ever so great, and had they no claim whatever upon the Company, to receive the loan. The condition was, that the Company should on payment of 600,000*l.* into the Exchequer, receive in return bills on the Exchequer, which the commissioners of the excise and customs were to receive as cash whenever the Company was distressed. This would be putting his Majesty's Exchequer into the power of the East India Company. Exchequer bills never were of the nature stated to be granted to the Company in this proposition, but always were drawn for a time certain, generally a year, under the idea that before they came due, parliament would sit and provide for the payment against the day. If such bills as the Company requested in their proposition were issued, viz. bills payable on demand, and which might be sent in when the Company thought proper, it would be in their power to embarrass the public treasury greatly, for although in the consideration of so large an expenditure as our yearly expences presently amounted to, 600,000*l.* was but a small sum; yet, as the Company would have it in their power to pay them in when they chose, it might so happen that they might all be paid at the Custom-house and Excise-office in one week, and by Saturday they would naturally find their way to the Exchequer. The consequence of this would be, that 600,000*l.* coming upon the Exchequer all at once, it might happen just at the time when money was wanted to pay his Majesty's fleets and armies; and thus the public service would be stopped as well as the public creditor injured. For this reason, he never would accede to the proposition, even had it come forward under different circumstances, and the public had no claim upon the Company. A claim they undoubtedly had, and in order to assert it, he meant to move it as a resolution. But gentlemen said, "Why assert the claim now, the Company's affairs abroad are in great uncertainty and confusion, their cash is low, their debts large, many bills will be drawn upon them, do not do it in the hour of their distress." In answer to this, he must once for all declare, that he thought the interest of the India Company and the interest of the public one and the same thing. The welfare and prosperity of the Company and the preservation of the territorial acquisitions in India were objects of great national concern; whenever the Company should be distressed, and should stand in need of assistance, the public must give it. Should the Company's cash fail them, and should they want money for real public uses, (and when he said this, he begged to be understood as alluding to a public necessity only,) in that case the House ought to vote money equal to the necessity of the Company, let that necessity be what it might. He should hold it as his duty, so long as the resources of this country were such as would by any means afford it, whenever the India Company were really in distress, to move that it be immediately assisted, let the sum wanted be whatever it would.

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But feeling as he did with regard to the mutual interest of the Company and the public, he was nevertheless convinced that this was the proper time to make an agreement with the Company for the renewal of their charter, and to establish the claim of the public for the 600,000*l.* by insisting on the payment of that sum, and that for these reasons: the claim having been suspended for two years in consequence of the short bills, he was afraid that by keeping it back much longer it might be successfully disputed. The money had been now due to the public ever since 1778, and it was very clear which way they inclined. The common interest of the public and the Company rendered it highly necessary that the Company should hold over no longer by yearly bills, but that their affairs should be put upon a stable footing by an agreement for a length of time. Such an agreement was much wanted, and would have a great and good effect on their affairs in India, in the prosperity of which, as he had before stated, the public were materially interested; and therefore, whether the Company were willing or not, it behoved the public to take care of themselves; and since two years had elapsed without the Company's petitioning that House for a renewal of their charter, it became the duty of government to interfere on behalf of the public, and to have the matter settled. The claim of 600,000*l.* was a fair one, and the public had a right to the money. Besides, the very arguments advanced against it told, in his mind, the other way; for they were, that the money ought to lay in the Company's treasury for the purpose of answering the bills that were expected from India, and in order that they might be able to divide 8 per cent. when their profits might not otherwise enable them to do so. Neither of these matters, his lordship said, were fair objects for the application of the money, for it was that overflow of the bills from India that had nearly ruined the Company in 1773, when the legislature against the will of the Company, and notwithstanding the petition sent to that House against it, passed a Bill, authorising a loan from the public to the Company, and putting the Company's affairs under certain regulations and restrictions, in consequence of which their credit had been restored, and their affairs had taken a most prosperous and flourishing turn. His lordship then moved, "That it is the opinion of this committee, that the three fourth parts of the net profits of the East India Company at home, above the sum of 8 per cent. per ann. which have accrued from the time that the bond debt of the said Company was reduced to 1,500,000*l.* ought to be paid into the Exchequer, for the use of the public."

Mr. *Hussey* reprobated the idea of taking 600,000*l.* of the Company under its present circumstances, and assigned a variety of reasons for preferring the loan tendered by the Company. He read to the committee a motion that he had made at the India-house, in the last court, which was somewhat similar to that objected to by the noble lord, but which the court had not thought it right to adopt. He afterwards produced a paper full of arithmetical calculations, which he stated to be correct computations of the amount of the Company's exports and imports, the expences of their trade at home, and the balance of profit of each year, for many years past, distinguishing the commercial from the territorial expences and incomes. From these statements, he shewed that the commercial and territorial revenues of the Company had, upon an average of 16 years successively, constituted together a sum equivalent to a proportion of 16 per cent. That 9 per cent. of this had arisen from the commercial profits accruing to the Company, and therefore that there had not been 8 per cent. divided upon that part of the profits, to which the public had any claim or pretension. He contended farther, that the estimate of the expences to be deducted from the commercial profits, ought to be formed from what they had been before the acquisition of territory, and not afterwards; which would make a difference in the fund of the Company of upwards of 5,000,000*l.* within 16 years. They ought not to be taken at any period since that time; because the accession of the territorial possessions brought with them additional expences, which not being necessary to the trade alone ought to be deducted from the profits. He entirely reprobated the opinion which had been expressed by lord North, that the Company intended to dispute the right of the public to the 600,000*l.* in question. With regard to what the noble lord had said, respecting the Exchequer-bills, it was all *ad captandum*; the noble lord well knew that the directors of the East-India Company would never suffer the Exchequer-bills to be paid in without giving government timely notice. As to

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the right of the public, perhaps it was better not to urge it at present, as it had been thought better not to urge it hitherto. His opinion was, that the Company should always make it a rule to give as ample relief to the public burthens as their situation would allow; and if they did this, he saw no reason why the noble lord should expect more. He ought not, by the strong hand of power, to force from them what they did not themselves think they could, under their present circumstances, spare or afford, and what at the same time they might think they had no right to pay. He also said, that the public had received a very large share of the Company's profits, equal to 4½ per cent. on their capital, while the stock-holders scarcely had received 4*s.* 6*d.* per cent. upon it.

Mr. *Jenkinson* supported the motion, and said, he was convinced of the propriety of the committee coming to such a resolution, previous to the general court proceeding to ballot for a proposition, which, on the very face of it, not only denied the claim of the public, but in the very words of it tendered a loan of the money upon terms which could not be acceded to. That offer undoubtedly implied an opinion on the part of the Company, that the money was their own, and did not belong of right to the public; if, therefore, the public agreed to that proposition, they adopted the opinion of the Company, and forewent their claim altogether, since they would be shut out for the future from ever making it. He turned to the wording of the Act of 1774, and of the yearly Bill which expressly stated, that the public only suspended their claims as to the territorial acquisitions and the revenue resulting therefrom for a time, thinking it wiser to let the Company hold them for commercial purposes, meaning to participate in the profits of the various objects of trade, &c. carried on by the Company. But the claim now made by the public was fair. It was founded indeed only upon a resolution of the House, and not an act of parliament; but the Company had subscribed to the validity of that resolution, and by making a dividend of 8 per cent. had acknowledged the claim of the public.

Mr. *Dempster* warned the committee how they proceeded in a matter that went to affect the chartered rights of the Company, and reminded them of the consequence of violating the charter of Massachusett's-Bay and various others. We had certainly suffered enough by the violation of charters. It had brought us into our present difficulties, and had armed Europe against us. To tear from the Company by force what was not stipulated for in any act of parliament, would be a breach of public faith that would disgrace the nation, and damp the spirit of enterprise and adventure, which had been productive of such happy effects. It was to that spirit that we owed the territorial acquisitions of the India Company, and all the immense benefits that had accrued to the revenue of this country in consequence thereof. He reprobated the positions laid down by lord North in regard to the Exchequer bills, and said, the directors never would be guilty of such an act of injustice as to suffer those bills to come upon the public unawares. The matter might be settled upon better terms between the noble lord and the court of directors. They meant the utmost fairness. He was ready to say that they were as much attached to the service of their country as any trading Company in the kingdom, and they had offered terms to which in his mind the public ought to agree. But they could not acquiesce in a claim which they considered as a violation of their charter. And for what purpose was this violation made? What end was it to gain? Nothing; a shadow; for the difference between the minister and the Company was of the most trifling nature in the world. He was willing to lend them money if they were distressed; they were willing to pay him his demands, if he would subject himself to an obligation of carrying this promise into execution, namely, of lending them money, should their circumstances require it; and all they disagreed about was as to the mode by which the subsequent loan was to be granted. He intreated the noble lord, then, not to quarrel with the Company on a point in which they were so nearly agreed. This was not a moment in which it was proper for the Company and the public to be at variance even for a day, and it surely was wiser to depart a little from a rigid claim, than by urging it, inflame the minds of so large a body of his Majesty's subjects. The question of the right to the territorial acquisitions ought certainly to be suspended by consent as it had been so before. In some future moment, the public and the Company might meet on fair, sober, and friendly grounds, and discuss the matter with moderation and candour. But surely every gentleman must

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be unwilling to see it made a matter of dispute during the raging of a most dangerous war, when unanimity was so necessary to exertion, and when, instead of variance, we had need of all the spirit and all the strength which the nation possessed. There was one thing however which, if the question was to be agitated, he hoped would be considered; namely, that the Company had fought to acquire those territories under the faith of their charters, and that they had incurred great expence in the conquests.

Sir *Grey Cooper* said, that much of the last gentleman's arguments were irrelative to the motion, and did not go to the question now in issue, but to the right of the public to the territorial acquisitions in India, a matter that was not then under the consideration of the committee; whenever that right was made the subject of discussion, what the hon. gentleman had said, might be very proper to be considered and debated. With regard to the right of the crown, as the executive branch of the government, to the territorial acquisitions in India, that had not been foregone on any occasion, but only the exercise of it had been suspended, from an idea, that it would be better both for the public and the Company to let the latter hold those acquisitions for the purposes of trade and commerce, during the time of their agreements for a renewal of their charter. That it was wise and proper to suspend that claim still longer, and to make an agreement with the Company for a renewal of their charter at that time, he was most clearly of opinion, and in his mind, the arguments relative to the present situation of the Company's affairs, and of their being distressed, and likely to be still more so, did not weigh at all the scale of objection. The public were bound to support the Company, and must for their own sakes assist it whenever it was in real distress; therefore, neither of the positions which gentlemen had laid so much stress upon, in his idea, altered or lessened the propriety, not to say the necessity, of the public bringing the Company to some agreement; if they did not, it was clear the Company would not offer any terms, but would be glad, he did not doubt, to continue holding over year after year, without any new conditions being imposed on them. Sir Grey said, the two yearly Bills had been carefully watched, word by word, in the penning of them, by the Company's counsel, then a member of that House, who had taken especial care that the right to the territorial acquisitions should not be assumed in either Bill, but that the question should be merely suspended, and the agitation of it foregone in each. To accede therefore now to the proposition of the Company, to which the noble lord had objected, would be to act the very contrary part to what had been acted by the Company with regard to the yearly bills, and to give up the right on the part of the public altogether.

General *Smith* said, the present was the most important question that had ever been agitated within those walls; it was perfectly new to the committee, and it ought to be discussed with the most serious attention. He stated the different ideas of terms, for a renewal of the Company's charter, that had at different times been entertained. He had himself been employed at one time to adjust propositions with the noble lord in the blue ribbon; and he recollected, that one of the conditions then talked of was, first, the payment, and afterwards the loan of a million of money at 2 per cent. interest. That had gone off, and now the noble lord, seeing the state of the Company's affairs, was willing to renew the Company's charter without insisting on any fine. He wished the same reasons, that had operated in the noble lord's mind to forego a fine, had also prevailed on him to forego a claim, which had no foundation in justice, and the insisting upon which would materially injure the Company. He did assure the noble lord the state of the Company's affairs was much altered since the year 1778; they could better have afforded to have given a million of money then for the renewal of their charter than they could afford to give 600,000*l.* now. Let the noble lord consider how much all East India property had suffered of late. He could speak of it with great truth, for his stock had suffered almost 100 per cent. upon the whole of it. The general spoke of the wishes of the Company to keep on good terms with government, and said they had taken infinite pains to hit upon such propositions as they imagined would not be objected to. He begged the noble lord to point out what alterations he wished for, and they would endeavour to shape them accordingly. If government took the 600,000*l.* the next year the Company must borrow money to go on with. He conjured the noble lord, therefore, to

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withdraw his motion, and to make an amicable agreement with the Company, whose profits in point of commerce, and in point of territorial revenue, he declared it was impossible to ascertain separately and distinctly, the one was so materially blended with the other. At the same time he declared that in his mind the claim was violent and ill-founded. A resolution of that House which had never been followed up, on which no Act had passed, which alone could give sanction to the authority claimed by the noble lord, was and ought to be of no validity.

Mr. *Burke* made a most animated and eloquent speech against the motion. He observed, that all that had been said in support of the motion was merely the same ground of argument taken up by the noble lord at first, with some little amplification. He should therefore, in replying to the noble lord, reply to what other geentlemen had said. The chief of the noble lord's argument against the proposition of the Company was this: he would not accede to it, because the Company did not admit that the public had a claim upon them; so that the argument cut double, like a two-edged sword; for it must either be solved thus, "If you admit the claim of the public, I call upon you in behalf of your creditors to pay their just dues;" or thus, "If you do not admit the claim, why then I will take that by force which you deny that I ought to receive as a right." Most admirable reasoning! The noble lord will neither beg, borrow, nor receive, as a due; but he will have it nevertheless, and seize upon that by rapine and plunder to which he has no title, and cannot justify his receiving in any way. If the Company should say to the minister in direct terms, "Sir, you have no right to this 600,000*l.* you attempt to exact from us;" then, to be sure, his lordship would come down to parliament, and pronounce them the most impudent violators of old agreements that ever were heard of; but if they do not express themselves in this manner, if they say nothing upon the subject, as in the actual instance at present, why then how does the minister conduct himself? He says, notwithstanding these men are silent, I very well understand their intention, and am sure, notwithstanding their taciturnity, they mean to contend that the public have no right to the sum claimed; and therefore, being certain that this is the case, I will make sure of the money and seize it by main force. So that whether the poor proprietors speak or not, it makes no matter, the effect is the same, with this little difference only, that in the one instance they might deserve the treatment they received; in the other it was replete with unprovoked cruelty and injustice. He said, it was a continuation of that mode of reasoning that had prevailed in the last parliament, and had rendered it odious and infamous. The minister had talked in the same stile again and again, and the consequence was, our present miserable and degraded situation. It was his old parliamentary language, and had ruined this country. The Secretary at War's doctrine was, he said, a counterpart of the same reasoning. He termed the regulations, established by the Act of 1774, a design to obtain money under a pretence of establishing a political reform; and now, he said, the noble lord wanted to take away their trade, as he had formerly taken away their patronage and their purse. *Eundem negotiatorem, eundem dominum!* He had better carry all the business of Leadenhall-street at once, and transact it at the Board of Treasury. His reasoning, to justify the violence and the force he was practising, he pronounced shamefully pitiful. The reasoning of the lion in the fable was less censurable —"This I seize," says the lion, "because I have got teeth; this, because I wear a mane on my neck; this, because I have claws; and this last morsel, not because I have either truth, reason, or justice to support me and justify my taking it, but because I am a lion."—With regard to what the noble lord had said about the possibility, if the propositions were acceded to, of 600,000*l.* worth of bills coming upon the Exchequer, just when the King's fleets and armies were to be paid, it was, he said, neither more nor less than an explicit confession that the noble lord had squandered every shilling of the immense supplies that had been voted for the service of the year, and that he was obliged to practise extortion, and force 600,000*l.* from the East India Company, in order to enable himself to pay the King's fleets and armies. The House had expressed great satisfaction at a part of the noble lord's speech: the hon. gentleman said it was the shouts of the House, and of majorities at the appeals to the passions artfully made by the noble lord, that had ever been constant,

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fore-runners of some great national evil. No one step of the minister that led to disgrace, defeat, and ruin, but had been preceded by shouts and applause within those walls. In reply to the praise bestowed on the secret committees, that sat on India affairs in 1772, he said, their reports were the cursed Pandora's box, whence sprung out that dreadful calamity, the American war. To those reports were the worst of evils ascribable that had befallen this country for many, many years. He said the present motion was the daring effort of a minister determined on rapine and plunder, without regard to truth, honour, or justice: a violent and shameless attempt to rob the Company, in order to pursue the purposes of the most lavish waste and the most profligate corruption. The noble lord might truly be said to be *alieni appetens, sui profusus*. He conjured the committee not to join the noble lord and his adherents, saying, "Let us not deduce European supplies from Asiatic rapacity. Let us shew ourselves awake to the calls of reason and alive to the impulse of equity." He concluded with saying, that he was sure, notwithstanding his endeavours, and those of every friend to justice, to prevent the motion from being agreed to, that such would be its fate, yet in discharge of his duty he would move an amendment. He therefore moved, that the following words be added to the motion: "No grounds having been laid before the committee, on which the right of the public to a participation of the territorial revenue of the Company are founded; or, if they have such right, no grounds to shew that they have a right to this particular proportion of the profits."

Mr. *Dundas* observed, that it was a matter of some difficulty to determine what line of argument to pursue in this question; for gentlemen on the other side had differed exceedingly in the positions upon which they reasoned: some admitting that the property in question was the right of the public, while others strenuously maintained the contrary; it was necessary, therefore, to meet the former on the ground of expediency, and the latter on that of justice. He should, however, attempt, as concisely as possible, an answer to both, and give his warm negative to the amendment, which, in his conception, contained averments contrary to facts; the arguments had been contradictory and irreconcileable, so that he knew not well how to direct his reply. The hon. gentleman who spoke last had furnished him with one very good support, in asserting the right of the public to a participation of the Company's territorial revenues; for he had informed the House that the last parliament warmly maintained the same opinion; that they had echoed it repeatedly with shouts of applause. From this it would at least appear, that another hon. gentleman was mistaken, when he asserted that the claim was a new one. If he was to determine which of the two gentlemen were in the right, he should be inclined to take part with the hon. gentleman who spoke last, and to suppose his noble friend in the blue ribbon had advanced no new doctrine, and that he had held no new language, but had talked in an old parliamentary manner. For what had the noble lord stood up in defence of? The right of the public to a claim agitated before in parliament, originating in two resolutions in the House of Commons, recognized in full form upon the Journals, and considered by every man, conversant in the interest, connection, and analogy of the public, with the East India Company, as a claim perfectly fair, perfectly just, and as a claim which the public had a right to insist on, whenever they thought proper so to do. The amendment supposed that this claim of participation had never been established; but in contradiction of that, he need only refer to the several agreements formerly made between the Company and Parliament, by every one of which it would appear that this right of the public had been claimed on the one side, and admitted on the other; for the Company therein agreed to pay at one time 400,000*l.* at another a certain proportion of the net profits, in doing which they plainly recognized the justice of the demand made on the part of the public. By the last of these agreements, they expressly contracted to allow three-fourths of the net profits, after a dividend of 8 per cent. and it was expressly upon this supposition that the present claim for 600,000*l.* was built; surely, then, the House could never consent to declare that the point of right was not established. He next adverted to Mr. Hussey's calculations: that gentleman had endeavoured to prove that the commercial dividend should be 9 per cent. by asserting that every additional expence, incurred by the Company for the support of their Asiatic

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interests of late years, should be deducted from the produce of the territorial revenue. Though he was fully convinced that the hon. gentleman on no occasion meant to deceive, yet he must declare that a fallacy ran through the whole of his arguments grounded upon those calculations, which destroyed their effect. The hon. gentleman had grounded every one of those calculations on a proposition which he was satisfied was not to be supported; viz. that it was possible so to separate the commercial and the territorial expences of the Company, as to be able to ascertain the quantum of each, with a sufficient degree of exactness to take such calculations as grounds of argument and reasoning that could be relied on.—With respect to the plea of inability, he perfectly agreed, that every assistance should be given by the public to the Company; for their interests were closely interwoven, and perhaps, in the present state of affairs, this kingdom had not a better resource than in her East India settlements: but a very proper distinction had been drawn here between real necessities and those that were merely imaginary: the Company had been almost ruined at a former period by the improper drawing of bills from India; that was merely a matter of private convenience, for the remittance of those enormous fortunes that had been amassed in the country; and were intelligence to go by the next fleet, that 600,000*l.* was left by parliament in the Company's coffers to answer such bills as might come over, it would draw an inundation of bills, and the Asiatic plunderers would no doubt seize the occasion with avidity; but this was no public convenience; on the contrary, it was more desirable that obstacles should be thrown in the way of remitting fortunes, which perhaps had better never been acquired, or at any rate never brought from that country.—The hon. gentleman who spoke last but one had told the committee, and he believed with great truth, that the commercial and territorial matters of expence and profit were so materially blended, that it was impossible for the Company themselves to separate them with sufficient accuracy to define which was which, or to give even a tolerable guess at the real state and amount of each. All arguments therefore built on such a basis must necessarily fall to the ground. He next adverted to Mr. Burke's argument, and said, that notwithstanding the rapine, plunder, injustice, and other hard words, which the hon. gentleman had applied to the present motion, and the noble mover of it, he trusted the committee would judge for themselves, would consider coolly and candidly of the noble lord's motives, and would act in such a manner as they thought his conduct deserved. With regard to the right of the public to the territorial acquisitions, he had considered the subject very deeply, and he had not a doubt as to the right; but, if he had entertained the smallest doubt, it would have been entirely removed by the very great authorities who had, in the most express terms, delivered decided opinions in favour of the public; the authorities to which he alluded were those of the present lord Camden and the late Mr. Yorke, men as able and as capable of advising as any that had ever lived in any period.

Mr. *Gregory* thought the noble lord right in coming to an immediate agreement with the Company, and wished he had settled the bargain two years ago. The Company deserved great praise for having extended their territorial acquisitions. The public reaped very considerable benefits in consequence of it; but the claim now made by the noble lord was, in his opinion, perfectly unsupported, and altogether new. The Company had heard nothing of it; and he feared that the claims so made and agitated would be particularly severe on them. They would be out of cash in about three months; in October they would be in cash again. He feared, that 600,000*l.* if taken now, might be of ill consequence to the Company's interests.

Mr. *Dempster* began with answering something which Mr. Dundas had said, relative to the Company's being forced by their charter to have factories in India, and to defend those factories. He professed his concurrence in the learned gentleman's opinion, as to the question of right, but denied the possibility of enforcing the present claim, without detriment to the Company. The learned gentleman was mistaken in stating the last agreement between the Company and the public: for in the act of parliament there was no such clause as he had mentioned; the participation of net profits alluded to was only contained in some resolutions of a committee, which were never reduced into a law. The learned gentleman had foreseen ill consequences from the drawing of bills by Asiatic plunderers, if there were any

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funds in Leadenhall-street to answer them; but the evil would be still greater if the noble lord in the blue ribbon should carry his measures into execution, for they would then be left to draw on the Treasury; now the 600,000*l.* was a mere trifle among these gentlemen, three or four of them could draw it in a morning, but the Treasury funds were deeper, and consequently the bills might be more numerous. —He said the resignation of the Manillas to the Company, when captured last war by Sir W. Draper, and the country round Madras (the revenue of which amounted to some hundred thousand pounds) when conquered by the King's troops under the command of sir Eyre Coote, in concert with the troops of the Company, were proofs of a general opinion having prevailed, that the crown did not think that the Company were entitled to the territorial acquisition, nor consider their revenues as chartered rights. He advised the trying the question in a court of law. He said the Company and parliament were both parties in the cause, and therefore it was most unconstitutional in that House to undertake to decide which had the right. The courts of law were all open, and could determine the matter in as little time as it would cost parliament to adjust the bargain.

Mr. *Burke* said, he was so unfortunate as to disagree with his hon. friend, in more points than one; for he not only held that the Company's territorial acquisitions belonged entirely to themselves, but with respect to the bills so much talked of, really believed they would be drawn with more alacrity on the 600,000*l.* than on the Exchequer; there was not, in his idea, a single Asiatic plunderer who did not know the noble lord in the blue ribbon better than to think of drawing on any fund in his disposal for a single shilling; for his lordship was so notoriously lavish that he took care to keep his coffers empty; and he would venture to predict, that if this money came into his hands, it would not remain there time enough to answer a single draft; this, indeed, his lordship had already avowed, by saying, that it was allotted for the support of our fleets and armies.

He then replied to several leading arguments of the Lord Advocate with great warmth, and censured his lordship for appealing to the passions of the House, by using the term 'Asiatic plunderers.' He observed, that in reasoning on the policy and justice of the resolution proposed, he applied himself rather to the understanding than the feelings of the House. Surely, it was requisite to have some means of making remittances from India; and as the two former channels of France and Holland were now shut up, there was no possible way of sending home property but that which the noble lord wished to prevent. The present posture of affairs in India was very tremendous, he would not say desperate: God forbid! But when it was considered that the treasury at Madras was exhausted, and a destroying enemy wasting the country round it, how was it possible for resources to be obtained if bills were not to be drawn upon the Company? With respect to the general question, he professed every possible degree of respect for the great authorities quoted by the learned gentleman, but he knew crown lawyers too well to trust in their opinions between the crown and subjects; therefore, notwithstanding this, and all the other arguments adduced that night, he must persist in his amendment; and though he would not teaze when he could not convince, should certainly move it again on the report, or, in some other stage of the business, in order that it might be entered on the Journals of the House.

The Committee divided on the amendment: Yeas, 52; Noes, 151. The original question was then agreed to.

May 25. The House resolved itself into a committee, to take into farther consideration the affairs of the East India Company: Mr. Ord in the chair.

Lord *North* rose, and opened to the committee some more propositions, which he should submit to their judgment relative to the affairs of the said Company. It had been resolved, that three-fourths of the surplus of territorial revenue, which, by the last parliamentary agreement, was reserved to the public after a dividend of 8 per cent. should be claimed in pursuance of that agreement. With respect, therefore, to the past acquisitions of the Company, the question was already settled; but some regulations were necessary for the future, as well with regard to the participation of the profits, and the advantage which the public ought to derive from the Company's revenue, as with respect to the management of their affairs in India, and to those he now begged leave to call their attention.

His lordship then concisely recapitulated

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the several acts of parliament which had passed by agreement with the Company, for regulating the point in question, from 1767 to 1773. All these, he observed, went on the idea of a right in the public to a participation of the territorial revenues; and the agreement of 1769 made an equality of interest between them, only saving to the Company a clear dividend of 6 per cent. below which if their net profits should at any time fall, the public were precluded from any participation till the dividend rose again to that sum. He then stated, that in 1773, finding that the affairs of the Company were in a very declining state, the public interfered, and agreed not only to forego the advantages to which they were intitled, but after inquiring into the facts, took a decisive interest in their affairs, and lent the Company the sum of 1,140,000*l.* and at the same time passed an Act which enjoined regulations so wise and salutary, as soon restored them to so prosperous and flourishing a state that they not only paid off the loan, reduced their bond debt to 1,500,000*l.* but also were enabled to take advantage of the resolutions of that House, and raise their dividend to 8 per cent. It was well known, that the interference of parliament upon that occasion was contrary to the wishes of Leadenhall-street, and that they loudly inveighed against the legislature for being so rude and violent as to serve them against their will. The good consequences, however, which their regulations produced, demonstrated their utility, and reconciled the Company to the interference. In 1773 it was generally understood, that though the public, from a consideration of the immediate distress of the Company, agreed to forego a participation of their profits, agreeably to the bargain of 1769, nevertheless, when the Company's affairs should be in a better condition, and they be more able to afford it, then the public were again to have their share of advantage from the Company, in consequence of the revenue derived from their territorial acquisitions and possessions. What he meant to do at present, was to bring in a Bill, continuing, for a time to be limited, the management of the territorial possessions, and the receipt of the revenue, in the hands of the Company, and in that Bill to enact what the future participation of the public in the Company's profits should be. By the bargain of 1769, the Company were to divide 6 per cent. only; but of late they had raised their dividend to 8 per cent. In the list of propositions recommended to the general court, by the directors, the proposition of participation was this: the Company were, first of all, to take 8 per cent. on their capital stock of 3,500,000*l.* out of their profits, then the public were to have 8 per cent. and the rest, should there be any profits more than 16 per cent. to be equally divided between the public and the Company. This proposition the general court did not, it seems, approve; but had sent another to the ballot, the terms of which were these: the Company, first of all, to take 8 per cent. and all the surplus to be divided in the following manner; three-fourths to be appropriated to the public, and the remaining fourth to the Company, reserving always a moiety, after the increase of the Company's dividend one per cent. to the discharge of the stock debt. His lordship said, he gave the preference to the proposition recommended by the directors, and for this reason: if the public had only three-fourths of the surplus, then if the Company got 12, the public would get only 8 per cent. and so on in that proportion; but there was some little difference between this and the one which he should submit to the House; though it was second in order, he would move it first, for, as to the term of the renewal, he should not consider that now. What he should move then would be this, that first the Company should be secured in 8 per cent. if the net profits amounted to so much, that then the public should have 8 per cent. if they amounted to 16; but if they fell short of 16, then the public to have all above 8 per cent. that if they amounted to more than 16, the surplus, whatever it might be, to be divided, but under certain regulations; the public to have half of it; and then one per cent. to go towards raising the dividend to 9 per cent. and the remainder to go toward discharging their stock debt. His lordship argued on the reasonableness of this proposition, and shewed that, at the same time that it secured to the public a fair proportion of the Company's profits, it secured to the Company a better dividend, by two per cent. than they were entitled to by the bargain of 1769, for there the public were to participate, if the Company divided 6 per cent. while here it was necessary that the Company should have a clear net dividend of 8 per cent. before the public could come in for any share whatever, and then they were only intitled to

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the surplus, which, though it might perhaps amount to 8 per cent. might be less; and if it should be more, the Company had an equal advantage in the extra profits with the public. The next matter, which he must make the subject of a single resolution, was to impower the Company, in case of distress for cash, to borrow 500,000*l.* on bond or otherwise; and this, he said, he agreed to, because it was among other of the directors' propositions; and as, very possibly, an occasion might arise when the Company would be much distressed, he thought it would not be right to say no to the proposition.

He expressed his concern, that notwithstanding his very earnest desire, the Company had not thought proper to petition parliament for a renewal of their charter; but as they had not done it, so he would not force a renewal upon them; and would make the Bill, which he intended to bring in upon the resolutions he was going to propose to the committee, only for one year: during that period, he would leave them the territorial acquisitions; and perhaps before the expiration of the Bill, an amicable agreement might be concluded. Into this Bill he intended to introduce certain regulations, some of which had been proposed to him by the court of directors; others he had yet to suggest to the House.—With respect to the payment of the King's troops in the service of the Company, he would not at that time make any proposition about the manner in which they should be paid; but it was proper they should be paid as well and as soon as the Company's; but whenever the mode of payment, and the quantum of the sum should be ascertained, the Company might be sure nothing unreasonable would be asked; for the Company, by the regulations he had suggested, were to take 8 per cent. out of the profits, before the public should touch any part of them; therefore, if any unreasonable sum should be asked for the protection of the fleets and armies, it was the public, and not the Company, that would be injured by it. It was possible that India might, at some period or other, be made the seat of war between this country and some of the great European powers; in such case, the Company could not, and ought not, to be charged with the payment of all the forces which should be sent there.

He had an idea, which he had once thrown out, of giving the governor-general greater powers than were at present vested in him, and authorising him in some cases to act independently of his council, only stating to them, after he had so acted, the reasons upon which he justified his conduct, and sending home those reasons, together with such as the council should at the time have delivered, in case they differed in opinion from the governor-general; he had also thought of impowering the presidents of the councils of the other presidencies to give a negative; both of which alterations, he believed, from the nature of the country, the temper and habits of living of the natives, and various other considerations, would be advantageous to the government and to the inhabitants. But these propositions he only threw out now for the information of the House, that they might turn their minds towards them against another year, when the charter would perhaps be renewed by agreement for a term of years, and at which time the House might have the opportunity of considering them with all the attention which their consequence and their novelty required. In the proposition that no bill, note, or obligation, for money issued, or to be issued, by any of the Company's presidents, councils, or servants, in India or China, made payable there, should be payable in England, without the consent of 18 of the directors, he perfectly agreed; it was a very prudent and proper restriction. Another matter he designed to introduce was this; at present the Company were obliged to send copies of all their dispatches from India, but not of any of the orders and instructions which they sent out. He meant, therefore, to insert in the Bill a clause, obliging them to shew to the lords of the Treasury, or the Secretaries of State, all their instructions to their servants that related to their political and military conduct; and to add farther, that if his Majesty thought proper to signify, through his secretaries of state to the directors, any order relative to the particular conduct of the Company's servants, in regard to the prosecution and management of the war in India, or to the political direction of affairs, or to any treaties with the powers in India, that the directors should be obliged to obey such order, and to send it out to India immediately. The ground upon which he rested the necessity for this regulation was, that as the wars in India might materially affect this country, his Majesty, as the executive branch of the British government, ought to interfere whenever he

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saw occasion, and to have the political connections and alliances in India regulated in such manner as should seem most likely to be of service to the general welfare of the state. The above regulation could not be objected to on the score of its giving ministers an extension of influence or patronage, because undoubtedly it gave them none; on the contrary, it was a matter not very desirable to ministers, because surely the power of giving orders and compelling the directors, and others under them to obey them, without being likely to advance influence, imposed responsibility which no ministers would be very anxious to desire.

There was another thing which he intended to propose: by law, all the servants of the Company were prohibited from receiving presents in India; if they did, such presents became forfeited to the directors; but as the directors were rather backward in availing themselves of this law, he would provide, that if, during a given period, the directors should not claim those presents as their right, the Attorney General should be impowered to inform against those who had received presents, and claim the presents as the property of the crown. He thought it would be a desirable object to establish a court of judicature in this kingdom, to hear and determine, in a summary way, all charges of peculation and oppression in India: but as no plan of such a tribunal had been as yet drawn up; and as the Bill was merely temporary, it would not be proper at present to make any regulation except of a temporary nature. There were other regulations of less importance which it was needless for him to state then, as the House would have a full opportunity of examining and discussing them, when they were properly before them in the Bill.—With regard to the supreme court of judicature, as that matter was already in the hands of other gentlemen, he would not at present say much upon the subject. The jurisdiction, as originally intended by parliament, was certainly a court calculated to produce a great deal of good, being infinitely better constituted than the mayor's court of Calcutta; since being a dependent jurisdiction, the same equal justice was not to be expected from it. The act of parliament, when it arrived in India, had been defined, and defined contrary to the intention of the legislature, when it passed the Bill; much evil had, he believed, arisen, in consequence; at the same time, undoubtedly, much good had also arisen, for the principle upon which the court was established, was beyond dispute laudable and necessary; the poor natives were to be protected from oppression, and perhaps there were Europeans who had not humanity enough to refrain from oppressing an innocent people if they had not been restrained by this court. He recommended it therefore very earnestly to the consideration of the gentlemen, who were to bring in the Bill to explain and amend the Act of 1773, to pay great attention in drawing it to the original constitution of the supreme court, the powers which parliament intended to invest it with, and in what manner and in what degree its jurisdiction had been extended improperly. His lordship concluded with moving the first of the following Resolutions: 1. "That it is the opinion of this committee, that the East India Company be permitted, during a time to be limited, to remain in the possession of the territorial acquisitions and revenues lately acquired in India; and that a distinct account of the net profits of the Company be made up, from the 1st of March 1781 to the 1st of March 1782; and that the net surplus profit thereof be divided in the manner following; that is to say, that the Company shall receive upon their capital of 3,200,000*l.* a dividend of 8*l.* per cent. if the profits be equal thereto; that the public shall also receive a proportion of the said profits, equal to 8*l.* per cent. per annum, if the profits shall amount to 16*l.* per cent. per annum; that, in case such profits shall be less than 16*l.* per cent. per annum, the public shall receive all such profits over and above the dividend of 8*l.* per cent. per annum; that, in case such profits shall exceed 16*l.* per cent. per annum, the surplus shall be equally divided between the public and the Company: that the moiety of such surplus above 16*l.* per cent. per annum, so appropriated to the Company, shall be applied to the payment of an increased dividend, as follows, that is to say, that the proprietors shall be permitted, in addition to the dividend of 8*l.* per cent. per annum, to take out of the moiety of such surplus, over and above the 16*l.* per cent, per annum, an increased dividend, not exceeding 1*l.* per cent. if the moiety of the said surplus so appropriated to the Company be equal thereto; and that, after the payment of such increased dividend, the residue of such surplus be applied to the

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discharge of the Company's bond debt. 2. That in cases of necessity, the East India Company, during a term to be limited, be at liberty, with the approbation and consent of the lords commissioners of his Majesty's Treasury, to borrow upon bond or otherwise, any sum or sums of money, not exceeding 500,000*l.* over and above the amount of their present bond debt."

General *Smith* said, if, for a moment, he could forget the place in which he stood, and the high station and character of the noble lord in the blue ribbon, he should have been apt to imagine that he was at Guildhall, and that the noble lord was a commissioner of bankrupts, for he could not consider the resolution now moved, as well as the greatest part of what the noble lord had said, any otherwise than as a commission of bankruptcy issued out against the East India Company. The general proceeded to assert that it was impossible the Company could stand if so much of their money went to the public. A considerable portion of their apparent profits was, in fact, the right of their creditors in India, and ought to be appropriated to the discharge of the great debt incurred by carrying on their wars; they owed at present 1,400,000*l.* at least, and how was that debt, daily increasing, ever to be diminished, if the noble lord insisted on having that money, which in justice and in honour ought to go to the discharge of the debt incurred. He adverted to the Lord Advocate's speech of Wednesday last, and reprobated the argument advanced by the learned lord, that the consequence of suffering 1,100,000*l.* to remain in the Company's coffers would be, that the Asiatic plunderers would send over an inundation of bills upon the Company. The idea he declared to be wholly unfounded. The utmost that could be drawn for, by the Company's servants, was 300,000*l.* But the whole of the learned lord's speech, whatever service it might do the noble lord in the blue ribbon here, would, if it got over to India, produce much mischief. He was amazed at the inconsistent language held by the noble lord at different times; after what he had talked but the other day of the danger of permitting the Company to borrow money, he little expected to hear him move a proposition to empower the Company to borrow 500,000*l.* He saw, however, the intention of the proposition; it was this, the noble lord empowered them to borrow, merely that they might have an opportunity of paying the public their share of the profits; so that, in fact, the money borrowed was to go to make up their dividend; this he called a mischievous idea. But such would be the miserable state of the Company's affairs, in consequence of the noble lord's intended regulations, that he declared he would be the man to advise the Company to give up their charter, to share and divide the little they had left, and to carry on the trade no longer. With regard to the Act of 1773, experience, the test of truth, proved, that the execution of that Act in India had been pregnant with evil; and when it was considered that the governor general had taken up arms against the decrees of the supreme court, there needed little argument to prove it. The noble lord had an idea of giving more power to the governor general; if the noble lord knew as much of the abuse of power in India as he did, he was sure he would rather think it wise to lessen than to increase the power of any person in high office there. The noble lord had farther thrown out an idea of making the court of directors subject to the orders of his Majesty, delivered by his secretaries of state, and had said, it neither gave ministers patronage nor influence; the assertion was ridiculous, when it was notorious that for years past, there had not been a single appointment, which was not managed for ministers, either through the influence of the noble lord in the blue ribbon, or another noble lord in a high office. He reprobated the idea of making the directors shew their dispatches to ministers; it would make a chaos of government by placing power in one place and responsibility in another. But he was at last come to an idea totally contrary to every idea he had entertained of the East-India Company for many years. He had broached that idea at the India-House, and he would speak out, and deliver it in that House. It was this: he declared to God, such had been the conduct of some of the directors for the last five years, that he wished the entire management of the Company were taken out of their hands, and put into the hands of government; and for this reason, in conducting affairs of such vast magnitude and importance there ought to be responsibility somewhere; at present, as matters were settled, one power was lodged with the directors, another with the minister, and so on;

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there was no responsibility at all, and it was a mere jumble of contradictions. Another of the resolutions suggested by the noble lord, was a great hardship, and that was obliging the Company to pay the King's troops and ships' crews out of their territorial revenues: he desired to know why our possessions in the East-Indies were not entitled to be protected at the public expence as much as Jamaica, or any other part of the empire? It had been generally agreed that no part of the possessions of Great-Britain were more valuable. He was glad, however, that the noble lord had so far changed his mind as to bring in a short Bill for continuing the exclusive trade, &c. to the Company for another year; it was wise, and he wished the rest of the noble lord's intentions were equally wise and equally justifiable. The contrary, however, was the case, and so fully convinced was he of the bad tendency, nay, of the cruelty and oppression contained in the resolution which the noble lord had just moved, that he was determined to oppose it in every stage. He treated as childish the idea of taking 600,000*l.* by one vote from the Company, and giving them, by another, leave to borrow 500,000*l.* and in a word, sooner than submit to such a participation as the noble lord had described, he would advise the Company to surrender their right to the exclusive trade, and not continue a branch of commerce by which they must lose.

Mr. *Hussey* asked, by what right the noble lord took the 600,000*l.* from the Company, for he had made out no right as yet. He said he rose in behalf of him who was not present to take care of himself, the honest proprietor, who had laid out his money fairly, and run all the risk of losing it, and now when an advantageous return was likely to be obtained, was about to be unjustly deprived of that gain he was every way entitled to. By the honest proprietor, he did not mean office-clerks and dependents on government, who purchased 2,000*l.* stock to get themselves made directors, merely for the purpose of managing and carrying the minister's jobs.

Mr. *Wraxall* commended the noble lord in the blue ribbon, for having turned his attention to so important a consideration, as the welfare and prosperity of the British empire in Asia. No part of our possessions better deserved the noble lord's consideration. He took notice of the despondingstile in which gentlemen had talked of the present state of the Company's affairs abroad: he differed totally in opinion with them; he saw no reason to despond, although it was true, that in consequence of Hyder Ally's successes, our concerns in India were in a very different situation from that glorious one to which we raised them last war. In order to shew that there was no occasion to despond, he went over a history of the various wars carried on in India for the last half century. He stated the various battles we had lost, and noticed our having been driven to the gates of Madras, and even besieged within the walls of Fort St. George by M. Lally. He contrasted these disasters with the victories we had won, the towns we had taken, and the immense wealth we had amassed. He had not a doubt in his mind as to the right the public had to the territorial acquisitions; if gentlemen would consult Grotius, Puffendorf, and other writers on the subject, their scruples, he was sure, would be entirely removed.

The *Solicitor General* defended the noble lord's propositions. He said, the resolution that the 600,000*l.* should be paid into the Exchequer was not the urging of any new claim, but merely the putting in force two resolutions of that House, agreed to about seven years ago, and standing upon the Journals. That therefore every argument on the score of the distress of the Company, and the unpromising prospect of its affairs, fell to the ground, and did not in the least affect either the justice or propriety of the question determined by the committee last Wednesday. It was the noble lord's duty to bring forward that resolution; and even supposing it possible, that the very day after the money had been paid into the Exchequer such should be the real distress of the Company, that they should require twice as much assistance from government, he should still hold that it was the noble lord's duty to take the money, although at the same time he should think himself guilty of a very high crime indeed, if he did not assist the Company the next day with every shilling they wanted. With regard to the present proposition, it was just and equitable. The public had an undoubted right to a participation, and after 8 per cent. was secured to the Company, they had no cause, in his mind, to complain if the public should take that proportion of the surplus

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of the profits which the resolution then under consideration gave them.

As to what an hon. general had said, in respect to the noble lord's idea of inserting a clause in the Bill, to oblige the directors to submit their orders and instructions to the secretaries of state's inspection, previous to their being sent to India, and also in respect to the directors being obliged to obey the King's orders, nothing could be more reasonable, or necessary. Did gentlemen consider that the very existence of this country might be destroyed by any misfortune in India, arising from unwise, impolitic orders being sent out to the Company's servants. The wars carried on there were not merely wars against Indians and the natives. The powers of Europe were at war with us in India; the French were at war; the Dutch, in all probability, would be at war with us; and therefore, as he had before said, any material disaster in Asia might lead to the destruction of Great-Britain. To enforce the regulations proposed was not to overhaul and manage the trade concerns of a parcel of merchants; it was merely to guard against evils of a military and political nature. He recommended it to gentlemen better acquainted with India than he was, to endeavour to put a stop to that system of plunder practised by the subjects of this country, who, after being in India only two or three years, came home with fortunes of from one to 500,000*l.* and bore themselves with such insolent triumph, and such consciousness of the superiority their ill-acquired wealth gave them, that they assumed more than the first nobles of the kingdom. By their rapacity, practised under the pretence of obtaining presents from the Indian princes and nabobs, they had for many years been disgracing us as a nation, and making us appear in the eyes of the world, no longer the once-famed generous Britons, but a set of banditti, bent solely on rapine and plunder. He mentioned a plan which he had formed to prevent peculation in India, which was to oblige the several governors, and other persons in public situations in India, to remit whatever money they might acquire there in their own names, and to give an account of the means by which they acquired it. Their salaries were known; they were not allowed to trade, and all presents were declared to be illegal; whatever, therefore, was properly gained, might be openly and fairly accounted for; it would be necessary to constitute a court armed with sufficient powers to carry on such an enquiry. He did not mean to state, that the courts of criminal law were unequal to the task of punishing guilt, but the rules of evidence, and the whole form of the proceedings, were calculated for the protection of innocence; and though there was reason to believe that nineteen prisoners out of twenty that were tried were guilty, yet hardly one-third of that number were convicted. The nature of the offences charged on the delinquents in India, though disgraceful to the character of the nation, and extremely injurious to the interests of the public, were such as would be extremely difficult, if not impossible, to be proved by the strictest law of evidence, under all the local inconvenience which was peculiar to questions agitated at so great a distance from the scene of action. A great degree of discretion, and, in other words, of arbitrary power, must be allowed to the court; and the question must be, whether you will submit to the continuation of offence without punishment, or to the creation of extraordinary powers, which were necessary to reach the offence? The case was not a severe one; men were appointed to places of the greatest profit, and to situations little short of the splendor and power of monarchs; and if their conduct was afterwards to be subject to such an examination, they knew the condition on which they accepted the trust.

Mr. *T. Townshend* detested the idea of a court which it was necessary even for the proposer to describe as discretionary and despotic. He hoped no such court would ever be known in England; there was no sort of necessity for the creation of such a one; and indeed there was a sufficient answer to the idea of erecting such a court in the constitutional declaration, *nolumus leges Angliæ mutari*. There were powers already in being, amply sufficient for the punishment of offences in India, which, he had no doubt, were great; but it was not defect in the power of punishment, but influence which had prevented the prosecution of offences. The criminals came home rich, they procured seats in that House, they became dependents and supporters of the ministers; and if any of them shewed a disposition to become independent, a hint was given them that they might be squeezed; and they well knew that nothing could prevent their being obliged to refund their ill-gotten spoils but the in-

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fluence of the minister. He compared the idea of sweating a nabob, suggested by the learned gentleman, to the *chambre ardent* of Louis 14th. The best means of making a nabob harmless on his return, would be to make it impossible for him to be chosen a member of that House; for there all the mischief lay. He warmly opposed the motion.

Mr. *Dempster* commented on the proposed regulations, approving of some, and disapproving of others. He declared that he did not rail against the minister for his scandalous neglect of the Company's affairs: if he was harsh, he could only say, that had the gentlemen with whom he generally acted, been guilty of the same negligence, he should have reprobated their conduct much more harshly, because they were his friends. He lamented that the noble lord's propositions would make the breach between government and the Company much wider than it was. He advised making the Act extend to two years, and not confine it to so short a period as one year only.

Mr. *Boughton Rouse* said, that as he wished well to the prosperity of his country, and the successful management of its Asiatic trade, he was anxious to see an accommodation between the public and the Company upon such terms as should be reasonable for every party concerned, but that severe conditions should not be forced upon the Company; and he said this without meaning to deny that the public might have a just claim upon large territorial acquisitions obtained by any corporate body, upon the renewal of its exclusive charter, but he could not acquiesce in the propriety of taking away from them arbitrarily the wealth which remained in their treasury, at the expiration of the term for which it had been granted. He earnestly recommended the House, to grant the proprietors a fair participation of future profits. As one who had held offices in Bengal, he would wish to see no offender screened from justice: he should never oppose any fair and equitable regulations for the prevention of abuses or punishment of crimes; and some clauses would be proposed by the committee, of which he had the honour to be a member, which would conduce to those objects: but, as a country gentleman, who had learned from his forefathers to set a value upon the liberties of this country, he must declare himself strongly averse to any new and discretionary mode of trial, which should go to make scrutiny and inquisition into the private fortunes or concerns of individuals; more especially if it was to be conducted by any other than the constitutional courts and independent judges of the nation.

The resolutions were then agreed to.

Debate on Mr. Hartley's Motion for a Bill to restore Peace with America.] May 30. Mr. *Hartley* rose to call the attention of the House again to that important subject, which he had taken the liberty of offering in a former year, conciliation with America. It would be needless for him to go into any argument to prove its importance. The House had been taught, by what they had suffered, and by what their constituents had expressed, that the continuance of the American war was grievous to the bulk of the people. The hon. gentleman went into a variety of arguments to prove the necessity of impowering his Majesty's ministers, and instructing them to come to a negociation towards peace with the colonies. The event, in his opinion, was not impracticable. From the circumstances which had been stated in a former year, and which still existed, it was known that there was an opening for an amicable settlement of our differences, and by which America might be detached from her present allies. It was the duty of ministers to take the advantage of this possibility, to court and meet the friends which we still had in that country, and to promote a reconciliation if it was in their power. He stated that the ministers did not seem inclined to take advantage of such opportunity, and it was necessary for parliament to interfere, and shew that there was a disposition in the legislature of this country to meet America on the ground of conciliation. For this purpose he moved, "That leave be given to bring in a Bill, to invest the crown with sufficient powers to treat, consult, and finally to agree, upon the means of restoring Peace with the provinces of North America."

Sir *P. J. Clerke* seconded the motion, of which he greatly approved. He touched slightly on the impossibility of subduing America to unconditional submission, and derided the declaration that had been made at the beginning of the present unhappy contest, by a noble secretary of state, which was, that while Britain had a ship that could swim, or a man able to carry a musket, she ought never in sound policy to abandon her pretensions to dominion over her colonies. This system

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was still the favourite one, and that it might be pursued in all events, every success of our arms across the Atlantic was magnified, while all our disasters and losses were shaded and extenuated. The late advantage gained by lord Cornwallis in Virginia, on which great stress was laid, he fancied was not of any great importance. Yet such trifles had perpetually the miserable effect of buoying up our spirits above the conclusions of sober sense and reason. He was much struck with a recent fact; a fact which marked the character, principles, and views of the present administration, with regard to America. It should seem that unconditional submission on the part of America was still their object. For lord Dunmore was about to return to his government in Virginia; a man whose public conduct had rendered him obnoxious to the inhabitants of that country, and who could never hope to recover any influence among them, but by means of power that might overawe them into submission, and conquer them by fear, and not by kindness. He did not suppose that any minister, or ministerial man, could defend the propriety of opposing the motion by arguments, however they might oppose it by votes.

A pause here ensued, and the ministry seemed inclined to meet the motion with a silent vote.

Sir *George Savile* rose, and reprehended this conduct as exceedingly unbecoming. It was a business of the utmost importance, and such as ought to engage the most serious consideration of every part of the House; and he was astonished to see the minister sit in sullen silence, and not deign to signify his opinion or his intentions on so important a subject. He had waited to the last moment in vain, expecting to hear something from the opposite side of the House.—The hon. baronet then went into a detail of the various and contradictory opinions and measures which had been adopted and held by government with respect to the American war. First, it was declared to be their design to reduce America to unconditional submission, and the country gentlemen were promised that the burthens of this country should be lessened by drawing a revenue from that. First one of these principles was abandoned and then the other. We then were fighting only to preserve the supremacy of this country. Every object for which we struggled was at one time abandoned, and at another resumed. The most strange and opposite opinions were held, and the same minister who declared that nothing short of unconditional submission would content him, had the effrontery to come down to the same place where he had made this declaration, and propose to the House to give up every object for which this country had ever pretended to contest. The hon. baronet urged the necessity of the plan now proposed for the purpose of furnishing ministers with such powers as were necessary to enable them to profit from any opportunity that might present itself favourable to conciliation.

Lord *North* said, that he had not felt the necessity of rising to speak to the question, as he understood it to be a tolerably general maxim, that when a subject had been repeatedly discussed, and the sense of the House taken and known upon it, it was not common to debate it again, but to proceed to a vote. This proposition had been moved in two successive sessions. It was undoubtedly a most important topic, and it could not be supposed that ministers treated it lightly. But surely it was nugatory; for ministers were already in possession of all the necessary powers for treating and concluding a peace with America, if America should at any time shew a disposition to meet them on that ground. The present commanders were invested with full powers to treat, consult, and agree on the means of conciliation. There were, indeed, certain reserved points which must come afterwards to be settled by parliament, but these could not impede nor prevent a conciliation if there was temper for such an event in the people of that country. The passing such an Act as was described in the motion, he was fully persuaded, would place the prospect of peace at a greater distance, and defeat, instead of forwarding its own object.

Mr. *Fox* said he would not go at large into the question. He only rose to speak to one or two points. In the first place, the noble lord had been pleased to say, that the crown had sufficient power to make peace with America. This he must deny, and on the contrary assert, that the crown had not power invested in it to settle any one matter in dispute between Great Britain and America. Not a single thing in controversy between them could be adjusted by the crown. The noble lord had indeed let it drop from him, that there might, to be sure, be

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reserved points for the consideration of parliament. But what were those reserved points? They were, in fact, every point that was to be settled. The motion was therefore necessary, if peace with America was really and sincerely intended; and that the crown had not power, without the authority of parliament, was too clear to be contradicted. If the crown had that power it was pretended to have, it surely was a question well worth considering, why the minister had come to parliament for an Act, giving power to lord Carlisle and the rest of the commissioners to go to America, for the purpose of making peace. If the crown had power, why were the commissioners not sent out, without coming at all to parliament? Was it merely for the pleasure of obtaining an act of parliament to do nothing at all? Was it because the thing itself was one of those splendid and brilliant acts that was to cast so bright a lustre upon the annals of this country? Or did the consequences that resulted from it, upon the commissioners' arrival in America, point out the necessity there was to have come to parliament for the appointment of so illustrious and important an embassy?

The hon. gentleman begged leave to contradict the noble lord. The crown had not the power of making peace with America, as with France and Spain and Holland. What were we then at war with, America? Is America then recognised as an independent estate? No: you are at war, not with America, but with your revolted colonies in America. It is not a war with an independent enemy in which you are engaged, but an attempt to quash a rebellion, to subdue an insurrection. By an act of parliament, no Massachuset trader dare come into any of your harbours. Can peace be restored without repealing that Act? and can that Act be repealed without the authority of parliament? The present hostilities commenced in consequence of the Prohibitory Act, as it was called, passed in the year 1765. It was that Act that made the war with America. We were therefore very differently situated with America than we were with France and Spain. The crown had never made war with her, but the war was brought on by an act of parliament, which act of parliament must necessarily be repealed. The present motion was therefore a necessary preliminary to the opening a door for a reconciliation. I maintain, continued Mr. Fox, that there is not one point in dispute between Great Britain and America that can be settled by the crown, without the consent of parliament, not one point; so that the noble lord's reserved points comprehend all the points in question. The rebels in America were declared so by an act of parliament; and through the whole course of the contest this position had been held, that against the authority of the British legislature they were contending; surely, then, it was not competent in the crown to decide on the privileges of parliament.

When the noble lord contends that the King's servants have already as much power as is requisite for treating with America, I can assent to the declaration, says Mr. Fox, in one sense. I can assent, that the crown has as much power as the servants of the crown have will to treat and conclude peace with America; but that they have power is false. Did they not come to parliament for power when they sent out the commissioners? And is not that authority which was granted for a limited time now expired, so that matters are exactly now as formerly? But the noble lord chooses, on the present subject, to speak indefinitely. It is often inconvenient for the noble lord to speak directly to matters of fact, or to answer such questions; and therefore he commonly amuses the House with general propositions; for there is not in the House, nor in the kingdom, a greater master of language than the present Chancellor of the Exchequer, or one who can make a better discourse upon any subject. If it were possible, said the hon. gentleman, for his Majesty's ministers to enter into a negociation with America, without knowing the mind of parliament, it would be a mean and insidious artifice, and would induce the Americans to reject all terms, since they must know, that whatever terms ministers might offer, could not be binding without the sanction of the British legislature.

With regard to the opinion the ministry entertained of the present situation of affairs in America; whatever they might think some few years ago, sure he was, they did not in their own minds believe there was the least propect of their now mending in our favour. The noble lord in the blue ribbon, who talked so very fluently, and affected so much candour, would be put in a very awkward situation were he to be asked the question, for in answering it, he would be obliged to con-

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tradict facts which he had again and again asserted. As to the noble lord, he was a man of experience; he was a man too naturally inclined to moderation and mildness. Whence then was he induced to be so strenuous a supporter of the American war? Whence was his inclination to that war deducible? He might put an answer in lord North's mouth from an Italian poet, "My will to execute this deed is derived from him who has both the will and the power to execute it. Ask no farther questions." The noble lord, who sat near the first lord of the Treasury, was, he observed, less accustomed to amuse his audience with general speeches, and therefore came more directly to facts. That noble lord (George Germain) had said, that the Americans, having once rejected the proffered terms of peace, had not any right to any others. Unconditional submission was therefore what he, and others equally sanguine, contended for. Their conduct and their sentiments were at least entitled to the praise of consistency: but the conduct of the noble lord in the blue ribbon was at variance with his sentiments. He would not say we were not likely to succeed in our enterprize against America, though the noble lord knew it in his own heart that all our hopes were at an end. Yet we had of late met with many victories; we had London Gazettes extraordinary; we had firing of guns, and we had illuminations all over the town. The hon. gentleman was exceedingly poignant in his animadversions on these kind of victories and rejoicings, and reminded the House of the great triumph ministry made when Charles-town was captured, though he had staked his reputation that such a conquest would never affect the American cause.

He then gave a narrative of the proceedings of ministry towards America since the year 1775. Certain conciliatory propositions were then made to them, and the noble lord, according to a French saying, paid with his person on that occasion; for he repeatedly had pledged his word, as a gentleman, that he would never agree to any proposal that might be made hereafter for granting the Americans better terms, and no doubt the personal declarations of a person of the noble lord's birth, rank, abilities, and fortune, were objects of great regard; they were made on the occasion alluded to, lest the Americans should imagine, that by persevering in resistance they might obtain better conditions. But after all these declarations, his lordship had, in the year 1778, brought in a Bill to parliament, for enabling commissioners to propose the most extravagant terms to the Americans; terms by which they would have had the power of taxing England, while their own country would not have been taxed by the English parliament.

He placed the noble lord in all the situations in which he had stood within the last seven years in that House; and said, that his versatility arose from motives highly unbecoming. The ministers found it necessary to protract the war, to avoid every tendency to pacification, because they knew that the American war was necessary to their continuance in power and place. They sacrificed honour and duty; they sacrificed the interests, and perhaps the existence, of their country, to the temporary gratification of their avarice and their ambition, in the enjoyment of the places and honours which they now held, and which were so connected and interwoven with the American war as to depend upon its existence. The minister then knowing this fact, knowing that he lived, and must die with the American war, had encountered shame and embraced it, in order to its continuance. He had been forced into all those vile measures of contradiction and absurdity which had brought infamy on the present age, and would bring ruin on posterity. There was no accounting for the credulity, the servility, and the meanness of parliament, in either believing or submitting to receive all the monstrous and incredible stories which they had been told by the minister in any other way than by referring to the means which influence possessed; the emoluments of contracts and the profits of a loan. It had no doubt been the study of the minister to tell his friends that their payment, like his own bread, depended on the American war. The American war begot extraordinaries; extraordinaries begot loans; loans begot douceurs; and douceurs begot members of parliament; and members of parliament again begot all these things. There was a mutual dependence among them absolutely inseparable. Thus the power and the security of ministers was generated by that war which was the ruin of the country.

If any one should ask the minister out of the House concerning the majorities he found, and he should be inclined to answer the question fairly and directly,

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he would immediately say, "Do not I give them an extravagant loan to divide amongst them?" With the King the minister was continually feeding the royal ear with a notion, that the instant he made peace with America his power would decrease. His Majesty was taught, and he was afraid too successfully taught, that power was preferable to popularity, that the former was a solid, a substantial, and permanent good, worthy the embrace of a monarch; while the latter was nothing more than an high, empty, high sounding name, full of nothing, and the mere glittering of the day. These were the notions the present set of ministers were repeatedly infusing into the royal mind, impressing him with an opinion, that whenever the American war ended, his power would end also, when in fact it was their power only that would end. The power of the sovereign would know no period with the American war. It was grounded in the constitution, and would live and fall with it. With the members of parliament the noble lord held a language that was as easily to be guessed at.

Here Mr. Fox personated the minister conversing with some dependent member of parliament, at his levee, on the subject of continuing the war; supposing that any remonstrances should be made on that score, what would the noble lord say? "Why, you know that this war is a matter of necessity, and not of choice; you see the difficulties to which I am driven, and to which I have reduced my country; and you know also, that in my own private character I am a lover of peace. For what reason then do I persist in spite of conviction? For your benefit alone! For you I have violated the most sacred engagements! for you rejected the suggestions of conscience and reason! for you a thousand times forfeited my honour and veracity in this business, and for you I must still persist! Without the American war I shall have no places, no emoluments to bestow, not a single loan to negotiate, nor shall I even be able to retain this poor situation of mine that I have thus long held most disinterestedly. You see me now in the most elevated situation, with the disposal of places, and pensions, and with the whole power of the nation in my hands; but make peace with America to-day, and to morrow I shall be reduced to the level of private life, retaining nothing but what is merely personal of all my present advantages. If you do not vote with me," continues the noble lord, "against a peace with America, how am I to give you any thing? It is true, that my situation as minister is a respectable and elevated situation, but it is the American war that enables me to give you douceurs, and to put into your pockets 8 or 900,000*l.* by a loan. Put an end to that, and you undo all. My power will be miserably lessened, and your pay as miserably reduced. As to myself, why, I am perfectly indifferent about that; I get a little, and it is my happiness that a little, thank Heaven, contents me. I therefore cannot be supposed to care if a peace takes place with America to-morrow, as far as I am personally concerned; but for your own sakes do not let such a thing come to pass. Nay, were I to go out of office, a situation I never courted, always disliked, and heartily wish to to be rid of, still I hope the American war would be continued." Such pathetic reasoning could not fail having its effect. Thus it was the noble lord induced members of that House to sacrifice the interests of their constituents, by proving that their own interests were essentially connected with the prosecution of the war. Was it impossible therefore that peace with America could ever be obtained but by a renunciation of that system which the present ministry had, with so much obstinacy adhered to; and here was another obstacle arising from the noble lord's feelings. "O spare my beautiful system!" he would cry; "what! shall I part with that! that which has been the glory of the present reign, which has extended the dominions, raised the reputation, and replenished the finances of my country! No, for God's sake, let this be adhered to, and do with all the rest what you please; deprive me if you please of this poor situation; take all my power, all my honour and consequence, but spare my beautiful system, O, spare my system!"

The hon. gentleman could not suppose any one amongst them, at that time of day, of so miserable an imbecility of nature, as to think that any thing could be done effectually against America. Yet the House appeared as much as ever inclined to prosecute the war, and upon the same ground as formerly. They, as well as the noble lord, were yet averse to peace. The noble lord had staked his veracity as to the prosecution of it. Did any man dispute his intention of carrying

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it on. If any man could be so weak, what would the noble lord himself say? Why, recollect I have appointed lord Dunmore governor of Virginia. Good God! then, can you suppose I have a serious idea of peace, when I send out to that province a man as obnoxious as ever came from America?

The American war, he said, was continued upon the opinion of men whose interest it promoted. Mr. Galloway had told the House at their bar, that five-sixths of the people of America were in the interest of Great Britain, others had said nine-tenths; yet what had we been able to do, although those nine-tenths of the people had an army to assist them. If Mr. Galloway had told him this, he would have asked him what he did here? and why he was not with the friends of government in America? Ministers were so egregiously simple, perhaps, as to credit his report; but would any other man in his senses be of the same opinion? What, five-sixths of the people amicable, and yet not a blow struck in our behalf, not one visible symptom of loyalty through the continent? It was thus that the government of this country was abused by a set of men who lived on its credulity. A list of American refugees, receiving pensions, had lately been called for, and refused; it was politic in ministers to keep the list concealed, and not to inform the public what men they were supporting; at the same time, however, he must confess, that there was a description of American sufferers to whom the bounty of parliament was well applied, he meant those who really had been martyrs to their principle, and had been driven from the continent by an unfortunate attachment to the British government; any charitable donation to characters of this kind he should be the last to condemn, for however much he might differ from them in political opinion, he felt them entitled to a large share of compassion and some honour; like those, who from similar misguided attachments, have been compelled to drag out their lives at St. Germain's or Rome. But too many of those who were now pensioners on British generosity, as sufferers in the colonies, were men who had once been most vehement in the American cause, and only left it when from some mistaken speculations they thought it on the decline; renegadoes of this class were now the chief favourites of administration, and were employed to write libels on characters the most unimpeachable of any in the kingdom. One of them had the singular audacity to villify a near and dear connection of his, his own brother, a lieutenant-colonel in America, representing him as a traitor to his country, and directly charging him with using his rank in the army for the purpose of carrying on a correspondence with the enemy. Thus persons brought up in their country's service, and labouring unremittingly for the public good, were exposed to the venom of wretches paid by ministry for the calumny they circulated. It was in return for the part he had acted in parliament, and his firm opposition to the American war, that the person alluded to was marked out, by the hireling pen of a refugee, as a proper object of detraction. He reprobated in most severe terms the authors of those calumnies, but said they were not so despicable as the men who employed or who believed them.

If any one had gone to the Pretender after his retreat from this country, and had told him that nine-tenths or even five-sixths of the people of England were for him, with a powerful army on the spot, ready to co-operate with them, and the king of France had been applied to for assistance, the hon. gentleman could not suppose that Louis 14 would have been so egregiously stupid as to have given any, but that he would have replied, "If there are nine-tenths or even five-sixths of the people on the Pretender's side, and a numerous army to stand by them, there surely can be no occasion for me to send an army into England to put the Pretender on the throne." This was the mode of reasoning that Louis would have used, and this was the mode of reasoning that a majority of the House of Commons ought to have used upon considering of Mr. Galloway's evidence.

After all, what had been the case? Had the British army yet effected any thing? If ministry should be asked what sort of an army general Washington had, they would reply that his army were without clothing, that they had exhausted their provisions, had neither powder nor ammunition, and were nearly reduced to nothing. But if they were asked, what sort of troops sir Henry Clinton had, the answer was uniformly the same. O! they were fine men every one of them; the very flower of the army; well fed and well clothed; furnished with magazines and all sorts of ammunition: in high spi-

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rits, flushed with the successes they had met with, and panting with a thirst of future glory. If they were to be asked too, what sort of generals the British army had, the answer would be, that they were the best in the world, deeply experienced, and enterprising in their nature. And were the Americans so! O! no, their commanders were another sort of men, no military knowledge, no reputation, no skill to be found in any one of them! This was what the ministry would say; and yet, with all these facts, what had we done? Though the British army had been every thing that pride and valour could wish them; and though the American troops were every thing that could excite pity in an enemy, yet this very wretched army had not been subdued, but had withstood, and bid defiance to this fine, formidable, and spirited British army, which had also nine-tenths of the people of America with them; so that it was really, at least, a matter of curiosity to know how it came about that the whole of the British troops, with nine-tenths of the people at their command, were awed and overpowered by only one-tenth of the people of America, and only a wretched and dispirited army to support them. With such experience, then, before them, what could be the reason why the British parliament still persisted in this war, and were so credulous as to be duped by such wretches as Galloway? It might with justice be done with respect to this, as was often done in books, where, instead of giving a long explanation, there was a marginal note on particular passages in which the reader was desired to "*Vide* such a book." So it might here be said, as a full and comprehensive explanation of all the servility and all the submission of parliament, "*Vide* the loan." Why have the House followed the minister through all his contradictions, and why do they still support him in this war? "*Vide* the loan." Why do they stifle enquiry, prevent detection, and destroy the benefits of responsibility? "*Vide* the loan." It was a full answer to every thing that could be alleged against the parliament in point of their servility and their acquiescence.

There were men surrounding the throne who taught very pernicious doctrines, men surrounding the throne were anxious to insinuate that the power and prosperity of the crown were distinct, and opposite to those of the subject. Such men alledged, and it was indeed a truth, that in war the power of the crown was greater than in time of peace. But the power of the crown, if not so great, was more glorious when it rested in times of peace and prosperity in the constitution and on the affections of the people. It was the virtues of the sovereign, which by conciliating the esteem and grateful affection of his subjects, was the firmest foundation of his power. What cause had we now to hope that our arms would prove more successful in America hereafter than they had done formerly? Did ministers derive courage from the reports from Holland, of a second action between lord Cornwallis and general Green, in which the former had been victorious? We had had abundance of victories last year; we had been covered with laurels. The thanks of the House had been voted to different generals and admirals, to lord Cornwallis, to sir Henry Clinton, to admiral Arbuthnot, to Rodney, and God knows whom! But what did all our victories avail?

After all, he did not think it would be doing any good to carry the question before the House. It would, at best, be only adding more responsibility to the crown, and give power where there was no will. The noble lord in the blue ribbon could not, in fact, make peace with America. He dared not do any thing of the kind. He had been a gentleman born, he had been bred a man of honour, and had lived in these habits of life that precluded him from shewing himself after he had violated his word. What was the situation in which the noble lord stood? In the year 1775, when the noble lord came to the House for the Conciliatory-Bill, he explicitly and repeatedly declared, that farther than that he never would go. Yet this very same lord, this first lord of the treasury, this ostensible minister, had himself come down to the House in the year 1778, and moved for the Bill which sent out lord Carlisle and the other commissioners to America, to make an offer to her of taxing herself. This the noble lord had done; the very same minister that had, upon passing the Conciliatory Bill, affirmed, in order to get it passed, that he would never go beyond it. "Some gentlemen" said he "may object to this Conciliatory Bill, under a notion that I may come afterwards and move for something more; but in order to remove their scruples upon that head, I am a gentleman born, a man of honour, a great minister, in whom parliament may confide; and I

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here pledge myself that I will not, upon the sacredness of my word, ever go farther than this Conciliatory Bill." This lord, however, did himself, in the year 1768, go farther, and appoint a commission to give up the dependency of America. As to a peace with that country, the hon. gentleman did not think it at all probable this year, or the next, or this time seven years, or even fifty years hence, if the present system continued. The noble lord did not dare to make peace; he had pledged himself to the House to bring the Americans upon their knees, and he had not candour enough to confess himself in a mistake.

The hon. gentleman very finely pictured the different and contradictory situations in which the ministry had stood. In the first outset of the American war, what was their argument? Shall we give up the trade of America? No, they could never think of that, the trade was too valuable to be lost, but when it was lost, their tone was changed, and then it was only taxation that we were fighting for. Soon, however, trade and taxes were given up, and then the whole contest was about the dependency of America, which we were told was on no account to be yielded. Yet after all this, the independency of America must be granted. He lamented that the war was to be prosecuted, that poor men were to be plundered of the earnings of their industry, and the rich abridged in the enjoyments of life. He looked upon every tax imposed in consequence of the war as nothing less than a robbery of the public. Lord Dunmore at first was said to have talked of nothing but submission: by and by he altered his tone, and said that the continent of America would never be recovered without the affections of the people; but that these would soon return, for the child would be glad to return to the parent. But his return to his government looked as if there were an intention not to conquer the Americans, for that seemed impossible, (the whole almost of that people entertaining the most rooted aversion to the British government) but to exterminate them: for, while there was a guinea in Britain, or a man to go for a soldier, there seemed to be a resolution to carry on the war, even until Britons and Americans should mutually fall by each other's swords. If the war, after all, was to be pursued, it would be a great satisfaction if either he, she, or they, (as his hon. friend, Mr. Dunning, had on a former occasion called the advisers of the war) who recommended it, were to be sent to explain his, her, or their motives; for however admirable the noble lord in the blue ribbon might be in explaining things, it was as awkward with him as it was with other people, to explain a conduct that was not their own, but which they were obliged to adopt and pursue.

He concluded a long and animated speech, with saying, that the American war would never end while the present system continued; but that the moment that system should be changed, the good of both countries would be consulted. He pronounced the American war to be as unjust in its principle and as absurd in its prosecution as it would be ruinous in its consequences, and that he therefore should vote for the question under consideration.

Sir *H. Hoghton* said, he could not be silent when he heard some of the assertions of the hon. gentleman. Were there such wretches around the throne, as had been described by the hon. gentleman, men who ventured such doctrines as that the glory and prosperity of the people were not the glory and prosperity of the sovereign, he, for one, would not countenance or support such wretches. But assertions were not proofs, misfortunes were not crimes, surmises were not evidence, on which men could either act or forbear acting. Every man, he presumed, acted according to the evidence on the subject before him. For his part, relying on what appeared to him most respectable authority, he was persuaded, that a very great part, that a majority of the inhabitants of North America were willing and desirous to return to obedience. Many of those corps that had been raised, with an intention, on the part of those who had given orders for raising them, that they should join the rebels, had, as soon as they were completed, come over to the British army; and every where in the southern provinces, corps were forming for the defence of the loyal inhabitants against the usurpations and tyranny of Congress. He was of opinion, that the House could not agree to the motion, unless they were ripe to say that they might safely withdraw the army from America. This, in his opinion, they could not do. For the army, that kept the American and French armies at bay, being removed, they would pour their fury against the West India islands, or whatever part of the British empire they should think most vulnerable.

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Lord *George Germain* said, it was impossible for him to sit silent, when he heard gentlemen calling upon ministers to put an end to the American war without attempting to suggest, how the war was to be put an end to. To bring the American war to a conclusion, in a manner honourable for this country, must be the wish of every man, who had the least regard for the concerns of his fellow-subjects, or for his own interest. Though gentlemen were extremely forward to recommend peace with America, they never attempted to suggest the means by which so desirable an object might be attained; they were ready to furnish the crown with ample powers to treat; but not to point out in which way those powers might be exercised: yet the one would be useful, the other was entirely superfluous; for the present powers of the crown, notwithstanding all the hon. gentleman had advanced, were extensive enough for concluding peace, if there was a disposition in the colonies to open a negociation. He had always been of opinion, that the Conciliatory Bills no longer continued in force, nor could the propositions offered by our commissioners be now obligatory on Great Britain; for the other party not acceding to them, there could be no mutual convention to make them a permanent basis of treaty; but in this, as well as in all other cases, the one party not being bound, so neither could the other. He considered, therefore, that Act of the legislature totally void, and that its operation had ceased with the return of the commissioners; but by the Prohibitory-Act itself, from which the hon. gentleman had argued that the legislature must be consulted in making peace, a clause was contained, giving sufficient powers to the crown for every purpose of pacification; for it was enacted, "That his Majesty might, by his royal authority, declare any province, town, or district, returning to its allegiance, to be within his peace and protection; and that, from thenceforth, all restrictions, prohibitions, and penalties imposed thereon, should cease." Under this Act, therefore, a peace might be concluded by the King alone, on any terms but those of independence; now, he presumed it was not the meaning of the hon. mover, that the crown should be empowered to make America independent of the British government. Parliament could not yet be ripe for a concession like that, and if not, the Bill moved for could give no powers to the crown of which it was not already possessed.—The hon. gentleman had accused ministers of a wish to protract this war; an accusation, to credit which, it was necessary to believe that they were destitute of feeling, honour, principle, and common sense. The very calamities of the nation, so often urged against ministers, might in this case be their exculpation; for, he would repeat it, that they must be abandoned in the extreme, and lost to every sense of honour, if they could wish to involve their country in ruin for the wretched advantage of retaining their places, and that, too, in this very troublesome conjuncture. But instead of this, he would presume to say, their sense of honour and integrity were as strong as those of any gentleman who opposed their measures; they had at least a right to have it admitted, that they had the honour of their country as much at heart as others, and that they had also an interest in the struggle. They had something to sacrifice or to save; they had a stake in the hedge; they had some property to lose as well as gentlemen on the other side; their private fortunes were considerable, and in ruining the public they ruined themselves. If not, therefore, deterred by a sense of honour or principle, interest itself would restrain them from sacrificing the welfare of their country; and as they unquestionably thought that a peace with America was desirable; the opportunity of making it only, and not the will, was wanting.—The hon. gentleman had ridiculed the idea of our having friends in America; but notwithstanding this, he still believed, as he had always done, that a great proportion of the inhabitants were inclined to a compromise with the mother country, on the ground of allegiance. But it was asked, why, if that loyal party were most numerous, did they not act openly in favour of this country? To this the answer was obvious; because the loyal inhabitants were unarmed, and the opposite party armed, disciplined, and in possession of the posts as well as the government of the country. It would surely not be denied, that a few men with arms in their hands, would be able to keep in submission far greater numbers unarmed and undisciplined; such was the danger of a man's even evincing the slightest disposition of attachment to the cause of allegiance, that numbers for no greater faults had been imprisoned, condemned, and exe-

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cuted. Could it then be expected, that men should give any manifestation of their loyalty at such eminent hazard of their lives; or could it be fairly inferred, that they were disloyally affected, because in such circumstances they were not active in our favour? It was evident, that without towns or entrenchments to receive and protect them, it would be madness for the best affected subjects in America to declare in our favour; and it should be observed, that the inhabitants had not towns or forts in every district, for they were so incumbered with woods, and intersected with rivers, that they were scattered diffusely over the country, often at great distances from any place of strength. Meanwhile they were narrowly watched by committees, who presided in every quarter, and narrowly inspected the conduct of those they deemed disaffected persons.—His lordship next adverted to the hon. gentleman's invectives on Mr. Galloway. He could assure the House, that the gentleman alluded to was not the character represented; but had come over to our cause because he disapproved the claim of independency; he had concurred in every measure of America not inconsistent with her subordination to the crown of Great Britain, but as soon as she asserted her independence, he had openly expressed his renunciation of the cause, refused a seat in Congress, and put himself under the protection of the commander in chief at New York: as far, therefore, as a man acting upon these principles, could deserve the good opinion of parliament, Mr. Galloway was entitled to it.—He now defended administration from the charge of promoting the American war for the purpose of making the King absolute. He observed, that America first denied only her dependence on the legislature of this country, not in the least renouncing her allegiance to the crown; she therefore wished to give his Majesty a power independent of parliament, and it was that pretension which ministers resisted, in opposing her innovation. Surely, then, this conduct was incompatible with the arbitrary designs imputed to them; for a troublesome contest might have been avoided, and the influence of the crown advanced, by a mere acquiescence in the demands of the colonies; in lieu of which, ministers dared to incur all the dangers and all the animosity consequent from opposing a powerful party, rather than abandon the rights of the legislature in favour of the prerogative. He concluded with saying, that though he was ardently desirous of peace with America, yet if it could not be obtained without an admission of her independency, he for one would forego the blessings of peace, rather than give his vote for so degrading a concession.

Mr. *Burke* said, there were but two orders of speakers that day, the country gentlemen and the ministers; no less than the two principal of the latter had figured in that debate, and though we were now in the seventh year of the war, had presumed to stand up and to tell that House that the majority of the Americans were loyally inclined towards this country. If they were so, why was the fact to rest on the thread-bare assertion of the noble secretary for the American department? An assertion which had been repeated again and again for seven years together, and yet the noble lord had said, that the minority awed and governed the majority who were without arms; if this were true, and the fact which the House had so often heard, namely, that Washington's army were never, taking it at the largest allowance, above a few thousands; how came it when we had not the minority, but the majority armed, that we had not long since put an end to the war? According to the story of ministry we had not only the majority unarmed, but also the majority armed; and yet the small, wretched, starving, and spiritless minority armed and unarmed had effectually withstood all our efforts, and were likely to withstand them.—He insisted, that the noble lord's argument relative to his Majesty's commissioners having it in their power to declare those who returned to their allegiance, in the King's peace, was neither more nor less than a renewal of the argument made use of at the commencement of the war, when the noble lord had insisted on unconditional submission. In order to prove this, Mr. Burke appealed to the understandings of every gentleman present, whether being in the King's peace did not mean a throwing down of arms, and a party putting itself wholly at the mercy of his Majesty? And if that was admitted, surely the King's peace was synonymous with unconditional submission. For what were they to do before they could be entitled to the benefits of such a proclamation? They must throw down their arms, abandon all the principles of resistance, return to their alle-

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glance, and all this they must do without any condition on the part of government; for until they had done all this, the crown had not the power in consequence of this clause in the Prohibitory-Act to declare them to be in the King's peace. Thus by the candid openness of the noble lord, the House had at last heard it declared what was the purpose of this war; that it was unconditional submission, and had been so all along. If they had at any time deviated in appearance from the pursuit of this object, it was only to pay court to the feelings of man, or like losing gamesters, who would play for any thing rather than give over; but however they might rove for a time, they always returned to this point, as the object of their ambition, and the mistress of their hope. He begged, then, that the country gentlemen would be no longer deceived. He begged them to attend to the declaration of a minister, and learn what it was for which they were fighting. It was not for the supremacy of parliament; it was not for national honour; it was not for a re-union upon liberal principles; it was not for revenue; it was for unconditional submission. With great severity he animadverted on lord George's having said, the ministers had as much to sacrifice as other gentlemen, they had their stake in the hedge. It was true, they had so; their places, their honours, their emoluments were their stakes? In fact, they wanted to demolish the hedge and the stakes of others; they surrounded their own stakes with the stakes of their neighbours; they exposed the latter to danger, and were only anxious to save their own. In other words, they wanted to make up their own fortunes out of the ruin of their country; a ruin which they had brought on. The American war, and the continuation of the ministers in office, went hand in hand: if the former was at an end the latter must infallibly lose those places which they presumed to consider as their stake. His Majesty's ministers and the American war were like the porter's breech and the nose of Taliacotius. There was a sympathy between them, which rendered them constantly dependent on each other:

"When life of parent bum is out,
Off drops the sympathetic snout."

So, with the American war, must their places and their pensions very sympathetically expire. He pushed this simile something farther, and introduced the refugees who formed a part in the body of the war, and the very foulest part too, for they were to ministers what the porter was to Taliacotius, the breech out of which the nose was taken. The hon. gentleman seriously reproached ministers for the shameful system which they had pursued with respect to America, and loudly called upon the House to accede to the motion, by which ministers would be forced to do their duty.

Mr. *Welbore Ellis* said, the motion was at least entitled to thus much praise, that it had been the cause of two most elegant and powerful philippics against administration, the one delivered by the hon. gentleman who spoke last, the other by an hon. gentleman who had spoken earlier in the debate. He said, he should oppose the motion as frivolous, and not likely to be attended with any good whatever; this assertion he supported by stating, that when the Act for sending out commissioners was originally brought in, he was strongly against it, being convinced that it was merely sacrificing the honour and dignity of this country, without the smallest possibility of producing the least benefit. At that time he did not oppose it, because the stream ran strongly in its favour. He had, however, submitted very reluctantly, and since the event of that Act had turned out exactly as he had, at the time to which he alluded, thought it would turn out, he saw no reason for making a second experiment, which would only incur a second disgrace.

Mr. *T. Townshend* said, if it was true, that two philippics had been uttered against administration by his honourable friends; he would venture to say a third philippic had likewise been delivered against ministers, and that was, the speech of the hon. gentleman who spoke last, which certainly, though different in form, stile, and manner, was as much a philippic as the other two, and as severe a censure upon the conduct of the noble lord in the blue ribbon as he had ever heard in that House; for he had declared that sitting upon the Treasury-bench, as usual, he had seen the minister introduce, and carry through that House, with a high hand, a Bill which he at the time foresaw would be idle, nugatory, and disgraceful. He begged it might be remembered that it was possible for that hon. gentleman to see such a Bill go through the House without saying a word against it. He animadverted on Mr. Galloway's conduct with great severity, declaring that of all the memories he ever had met with, he

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had never heard of or found so pliant and extraordinary a memory as that of Mr. Galloway. They had heard that gentleman at their bar point out hypothetically every military movement and manœuvre in the power of the ablest general to devise or execute, but when he came to answer questions of a more simple nature, and was asked how he voted on this occasion in Congress, and how he voted on another, his memory all of a sudden forsook him, and he could make no reply. In particular, when asked, whether his pension was during pleasure or for life? it was more than he was able to answer! Mr. Townshend played with this idea for some time, and said, he did not believe, if the same question were put to any man who now received a pension from the minister, whether for services performed within that House or without doors, there would be the least demur.

The House divided:

Tellers,

Yeas	Mr. Hartley Sir Philip Jennings Clerke	72
Noes	Sir Henry Hoghton Mr. Jolliffe	106

So it passed in the negative.

Motion for shortening the Duration of Parliaments.] Mr. Alderman *Sawbridge* rose to make his annual motion for shortening the Duration of Parliaments. He said, that after having so often, without success, made this proposition to the House, he could not entertain any sanguine opinion of the favour it would find in the present instance. But he was so convinced of the necessity of the measure, that he would persevere in the motion annually during the period of his parliamentary existence, in the hopes that that which was right, that which was expedient, that which was wise, would at last be adopted. He concluded with moving for leave to bring in a Bill for shortening the Duration of Parliaments.

Mr. *Wilkes* seconded the motion.

Mr. *Turner* could not consent to give a silent vote on a question of so much importance. Without this measure he was fully of opinion it was impossible to bring back the constitution to its proper energy, and take from the crown that enormous overbearing influence which was so destructive and insupportable. He would declare his opinion, that septennial parliaments were a state stratagem, a court trick, to rob the people of their rights. Parliaments were made septennial by way of a security against the Pretender. But there was no fear of a Pretender if the King reigned according to the constitution, and in the hearts of the people. The people would replace their confidence in that House and in his Majesty's ministers, when they should be restored to their just rights and privileges, which he sincerely wished they might be.

The House divided:

Tellers,

Yeas	Mr. Alderman Sawbridge Lord Mahon	29
Noes	Mr. Mellish Mr. Lewis	59

So it passed in the negative.

Debate in the Commons on the Bill for continuing the Commission of Public Accounts.] May 31. The order of the day for going into a committee on the Commission of Accounts Bill being read,

Colonel *Barré* called the attention of the House to an instruction which he wished to move, by which he had in view to rescue the House of Commons from the ignominy of abandoning their duty, and delegating a trust which was invested in their hands by the most sacred of all engagements, that of the constitution. They were sent to that House for the express purpose of guarding the property of their constituents, and of superintending, checking, and controuling the public revenue. They could not abandon nor delegate this trust. They could not place it in hands unauthorised by the constituent body. It was an inherent obligation entailed upon them by the nature of their appointment, and could neither be alienated for ever nor delegated for a time. But this the parliament had done, and he was anxious to move the present House of Commons to a proper sense of their duty, that they might correct the error and reprove the crime of their predecessors. He charged lord North with having told the House, that the only proposition that went towards a plan of reformation, which the commissioners had ventured to make in their reports, was impracticable. So that whatever good was proposed to be derived from this commission, was to be defeated by the minister when it opposed his destructive system of influence. He said, difficulties had arisen to the present commissioners, which would not have been

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the case had the commissioners been members of parliament; in particular, the difference of opinion between them and the commissioners of the navy would never have occurred. He next reprehended lord North for taking all the business of that House into his own hands, and said, that he had not only nominated the present commissioners, but had also nominated the secret committee to inquire into the affairs of the Carnatic. He declared likewise, that it was universally said, that two of the present commissioners, sir Guy Carleton and Mr. Piggott, had desired to retire, and to act as commissioners no longer; for which, as well as other reasons, he pressed it home to the House to resume their right, and no longer to suffer the public to be robbed, without their doing their duty, and proceeding to search out the robbers, and after due examination, to drag them to public justice. He concluded with moving, "That it be an instruction to the said committee, that they have power to make provision in the said Bill for removing the commissioners named by the said Act, and for substituting other commissioners in their stead, who are members of the House of Commons."

Lord *North* said, the hon. gentleman had talked of the various modes of election, and had even questioned the fairest that could possibly be devised, by saying that the secret committee on the affairs of the Carnatic had been chosen at his nomination. Every body knew, that the committee in question was chosen by ballot; the assertion, therefore, went rather to accuse the majority of the House, than to charge him with having made the nomination. But it had been said, that it would be more satisfactory, even for the noble lord, to nominate commissioners of accounts from among the members of that House, than for gentlemen who were not in parliament, to be continued as commissioners under the present Bill. In answer to this he must say, that the noble lord, he was sure, if the commissioners were to be chosen from the members of that House, would not wish to have the nomination of them. And one great reason why he preferred gentlemen out of the House was, that the House might have the nomination of them; by which all ideas and suspicion of connection might be removed; and all possibility also of their being appointed for the purpose of influence. The hon. gentleman had also charged him with having said, that the alteration proposed by the commissioners in one of their reports, with regard to the manner of keeping the accounts of the navy, and the future conduct of treasurers of the navy, was impracticable. He had said no such thing. What he had said was this; that on receiving the report of the commissioners, the lords of the Treasury had paid immediate attention to it, and had taken a great deal of pains to inquire by what means the ideas of the commissioners of accounts might be best carried into execution. With this view they had sent for the commissioners of the Navy board, had consulted them upon the subject, and after the commissioners had taken time to consider upon it, they had declared that the plan was impracticable. Exactly in this manner had he stated the matter to the House, while in a committee on the reports of the commissioners of accounts; and he had expressly said, at the time, that he did not pronounce the plan impracticable, but that the Navy board had; and that sometimes the certainty of finding considerable difficulty in the way, made men think that impracticable, which, strictly speaking, if attempted with spirit, and followed up with perseverance, would be found to be otherwise. He now repeated, that perhaps this would be found to be the case in the instance alluded to, but the objection that had been stated by the commissioners of the Navy board was a sufficient inducement for him to decline proposing the alteration suggested. And, indeed, he could not but observe that the animadversion that had been made on this account, was far from civil with regard to the commissioners of the navy, who were men of known character and tried integrity; men who were as anxious to promote the public service as the hon. gentleman, and who had on many occasions distinguished themselves equally by their zeal and their ability in office. He was at a loss to imagine how the commissioners' being members of parliament, would have prevented this difference of opinion. The present commissioners of accounts had ample powers to examine on oath, and how they pleased; and if their present powers were not sufficient, he should have no objection to enlarge them. The fact however was, that the lords of the Treasury, who had treated with the Navy board, were all members of parliament, and therefore the whole argument on this point fell to the ground.—The noble lord confessed the very great importance of the

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trust which the House of Commons delegated, and the benefits or injuries that were likely to flow from the wisdom or folly of their conduct in this respect. But he acknowledged, that he saw no reason for wishing that the commissioners should be members of that House, in preference to those gentlemen who had, with so much credit to themselves, and so much advantage to their country, acted under this commission for the last 12 months. There were many reasons why the same gentlemen should be preferred. They had, in the first instance, discharged the great and important trust reposed in them with the utmost fidelity, and not only to the satisfaction, but with the applause of men of all descriptions. Was it because they had so acted, and because their labours had been productive of so much benefit, and attended with so much praise, that they were now to be dismissed? Whatever reasons he might have had in the last session, when this commission was originally instituted, for preferring those gentlemen, he now had additional cause for preference; he had the argument of experience, he had the argument of benefit to urge him to continue them. He had another consideration. They had entered into the habits of the business; they had surmounted the difficulties and delays which they found on entering into the task, and the facility which they had now acquired, by the progress which they had made. These were inducements which no doubt gentlemen would feel and acknowledge, when they reflected how necessary dispatch was in the business on which they were about to enter. All the experience that they had acquired must be lost. All the previous embarrassments must again be suffered, if a new set of commissioners were appointed. All the original members we could not have. Mr. Tierney was no more; but the attendance which he had given had not been long, on account of his health; and the attention which had been given by the other five, had rendered his loss less material to the public. Two of the commissioners, it was said, had expressed an inclination to retire; sir Guy Carleton and Mr. Piggott. It was undoubtedly true, that when it was mentioned that this inquiry into the extraordinaries was intended to be referred to them, these gentlemen expressed such an inclination; sir Guy on account of his health; and Mr. Piggott on account of business. But he was authorised to declare, that those gentlemen had determined to continue their attendance, their desire of being useful getting the better of every other consideration. As the business had, for the greatest part of the time, been executed by the five commissioners, he did not mean to propose a sixth gentleman in the room of Mr. Tierney. He believed, that no sound objection could be made to the continuance of a commission of gentlemen out of parliament, when it was composed of men so able, so virtuous, and so independent, as those of whom we had had the experience; especially when it was remembered, that they only gave their reports, and that parliament was left to the free exercise of their undoubted right and power, ultimately to check and controul the expenditure of the public money. They delegated only the examination, and not the trust. They were not bound to agree or to act in obedience to the reports of the commissioners. They were to use their discretion, and take only the benefit of their salutary assistance, without being dictated to or commanded in any degree. For these reasons he should vote against the motion for the proposed instruction.

Mr. *William Pitt* rose next to make his second essay of parliamentary elocution in reply to his lordship. The House received him with all that silent attention which his former display of abilities, and the recollection of his illustrious descent, could not fail to command. He said, it was so universally admitted on general principles of theory, that the House could not constitutionally delegate any of its powers and privileges, that he wondered that any gentleman could hesitate upon a question of so important a nature, for a single moment; for what was the matter in dispute at present? no less than, whether that House should forego, and delegate into other hands, that most essential of all the various privileges with which it was invested by the constitution, the privilege of redressing the grievances, and alleviating the burthens of the people! The people had called upon them to examine into the expenses of the war, to see if they could find a system of reformation and œconomy; and if they could, to take care that it was immediately adopted, and closely adhered to for the future. This was a duty which, even undirected, they were bound to perform; but it was a duty which they not only had uniformly

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neglected to discharge, but were now going to appoint others to do for them. It was the peculiar duty of that House to watch, examine, and correct, the expenditure of the public money. He conceived the proposed delegation to be an absolute surrender of that most invaluble right with which they were invested by their constituents, and for which in particular they were appointed. What was it that gave the House of Commons their importance in the legislature, their respect and their authority? What, but the power of the purse? Every branch of the legislature had something peculiar to distinguish and to characterize it; and that which at once gave the character and elevation of the Commons House of Parliament was, that they held the strings of the national purse, and were entrusted with the great important power, first of granting the money, and then of correcting the expenditure. To delegate this right, then, he considered as a violation of what gave them their chief consequence in the legislature; and what, above all other privileges, they could notsurrender nor delegate without a violent breach of the constitution.

The noble lord seemed fully impressed with the importance of this commission: he admitted its proper execution to be essential for the public interest, and that the salvation of the state depended upon it, yet he called upon the constitutional guardians of the people to commit into the hands of others, a trust so unspeakably consequential, and be mere spectators of an enquiry which was to decide upon the fate of their country. The noble lord had said, that the present commissioners of accounts were merely to enquire, examine, and report, and that it was reserved for parliament to judge, to determine, and to act; that the final deliberation was reserved to them, and they had the power to reject such measures, proposed by the commissioners, as they might deem inconsistent with the public welfare. How humiliating, how miserable a picture of parliamentary power was this! So then, all the power of parliament, with respect to the alleviation of national burthens, the redress of grievances, the reform of expense, the œconomy, the system, the elucidation of office, was sunk into a disgraceful negative! One positive power, indeed, an odious power, remained,—the power of taxing the people, whenever the noble lord thought proper; the power of making them pay for the noble lord's wild schemes and lavish corruption. If any plan was formed and suggested, by which thousands might be saved, by which the expenditure might be simplified, the influence of the crown diminished, and the responsibility of ministers be more clearly established; by which the engine of government might be relieved from that load of machinery which rendered its movements so slow, so intricate, and so confused; then the House of Commons possessed only the power of putting a negative upon every such proposition. The power of oppressing and burthening the people, therefore, was the only parliamentary power that remained positive and active, while the power of doing good, and of relieving the distresses of the subject, was merely negative. He had often heard that the crown had a constitutional power of putting a negative on the acts of the Commons, but he had never before heard that the Commons had the power to put a negative on the wishes of the people, when those wishes tended towards the establishment of a plan of reformation. He was almost going to say, he could hardly have imagined that the noble lord would have ventured to assert as much: perfectly sure he was that no man else would have dared to have suggested even an opinion that approached towards such a position. What then were the arguments on which the noble lord had rested the vindication of the House for such scandalous inattention to their business?

The noble lord had talked a great deal of the experience of the present commissioners, and had said every thing in their praise that the most elaborate panegyrist could have uttered; he had collected their eulogy from all sides of the House, and had poured forth a profusion of compliments on their wonderful efforts, and the great and successful effects of their enquiry. Without designing to detract in the least from their real merit; it was perfectly fair, he conceived, to examine a little what were the mighty benefits deduced to the public from the acknowledged industry of these commissioners? Theoretical principles, he was ready to admit, must sometimes be suffered to give way for the sake of practical advantages; but then, the first ought never to be departed from, but in cases where there was almost a moral certainty that the second were within reach, and would be attained. In the present case, the commissioners

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had examined into, and stated in their reports, the amount of several balances in the hands of several public accountants; in doing this, the noble lord would not, he trusted, venture to say that they had done any more than a commission, filled by members of that House, was competent to perform. In his opinion, nothing could be more degrading to parliament than such an idea; for, by the nature of his duty, every representative of the people should be capable of examining how their money was expended. But were not many of them, in fact, versed in the business of public accounts? In one of their reports, however, they had come a little nearer to a compliance with the prayers of the people, and had gone so far as to point out, with great humility and great deference, an alteration that seemed to them likely to be attended with advantage to the people, by a more œconomical regulation of office. What did the noble lord in that case? He put a negative upon it, and that not by any parliamentary proceeding; he did not even allow them the exercise of that power of judging and of acting, of which he had said so much, but he took upon himself to negative the proposition of those commissioners of accounts, in whose praise he had been so lavish, and to tell parliament, that although the commissioners had pointed out the inconvenience, and even suggested a remedy, he did not mean to attend to the one, or adopt the other, because he had been told by a great board that the alteration proposed was impracticable. So that the noble lord had disregarded the report of the commissioners, a report delivered in upon oath, and having all the facts stated in it ascertained upon the oaths of a variety of witnesses, and had preferred the loose conversation of a public board; suffering them to become the unsworn witnesses in their own cause. He had not the smallest objection to the Board of Treasury's conferring with the Navy Board or any other; but it was a a little extraordinary that the noble lord should have assigned it as a reason for not adopting the regulation proposed, and for not even giving parliament an opportunity of putting its own negative upon it, that he had been told it was impracticable by the very board likely to be affected by the alteration.

Such was the distressed situation of this country at present, that he was aware mere forms, and even those which were the most dear, most essential, and most valuable forms of parliament, must be foregone for the sake of immediate and essential public ease, satisfaction, and benefit; he, therefore, much as he disliked the idea of continuing the present commissioners, in preference to members of that House, so far differed from his hon. friends, that he was ready to vote for the present Bill, even under the noble lord's limitation of it, provided that immediate ease, satisfaction, and benefit would result from it to the public. But was this likely to be the case? Let the noble lord, and let the House remember, that it was on the noble lord's solemnly pledging himself, that the extraordinaries of the army should be submitted to the enquiry of the commissioners of accounts immediately, that the debate on that immense claim for the present year had been given up. If, therefore, the noble lord now went back from his promise; if he shifted the matter and did not fulfil what he had pledged himself to perform, all the world must see that the noble lord had cheated and ensnared the House with false hopes; and hypocritically deluded them out of that full and scrutinous discussion, and enquiry into the extraordinaries of the army, which a subject of such great importance undoubtedly called for, and would have met with. But the noble lord having pretended that he himself was astonished at their enormous amount, and having pledged himself that the commissioners should be instructed to enquire into the cause of it immediately, the House had confidence in his promise, and dropped, or at least suspended the investigation. What was it that had carried the noble lord through the present session, but the promise of the reformation which the commissioners of accounts were to effect? and what hopes were there of their doing any good under the present circumstances of the commission? The noble lord has said, the reason why he was not willing to accede to the proposition, to insert the word "immediately," moved in the preceding debate by his hon. friend, was this, because they had not yet gone through that ground of enquiry they had begun upon; a ground of enquiry extremely narrow of itself, and which he could not but suspect had been studiously laid down by the original Bill, as the object to which the commissioners were first to direct their attention, whereby parliament and the people would be diverted and silenced. And here he must

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remark, that he verily believed on his credit, his honour, and his conscience, that the noble lord meant and designed, that the commissioners should spend their time in enquiring into trifles without going into an examination of any great, extensive, and important object, the better to continue the deception, and to carry on the hypocrisy and deceit that had already led that House into so many votes, disgraceful to themselves, and ruinous to the public.

The noble lord, affecting more than common modesty, had spoken in the third person—"the noble lord, he was sure, if the commissioners were to be chosen from among the members of that House, would not wish to have the nomination of them." This was a singular remark from a minister who had named every one of the present commissioners; but, perhaps, it had some truth in it. Indeed, he would do the noble lord so much justice as to declare, that if his hon. friend's motion was carried, and it was agreed that the commissioners to act under the new Bill were to be chosen from among the members of that House, by ballot, he did not believe the noble lord would interfere, and make up a list of names, who, on all occasions, were found among his followers. Such a measure would be too palpable, and too gross a mockery of all justice, and all fairness, for the noble lord to venture; it would be at the same time too shameful an avowal of influence for the noble lord's tools to submit to, pliant and accommodating as they were, and too gross even for the profligate impudence of his adherents to defend. The noble lord, therefore, might safely adopt the proposition, and might rest assured he would not be accused of having used the influence of his situation to procure a partial ballot.

The present commissioners were said to be experienced, because they had already executed some part of their business, and made very accurate reports; but it should be remembered, that the enquiry they had hitherto made, was of a nature quite different from that on which they were now to enter. As yet, they had only examined into the receipts of the Exchequer, and other branches of public accounts, which were recommended to their attention by the Board of Treasury, as primary objects, when the commission was first instituted, and which were undoubtedly very simple; but those greater and more general objects of reformation, for which a commission of accounts was first proposed, had not been touched upon. In every future branch of the business, therefore, they were entire novices, except in one article of the first class, that still remained to be examined; they had still to determine how much current cash should remain with the paymaster-general: but there was time enough for an enquiry of that kind before the expiration of the former Act, and another report might still be received this session. In what, then, as to the grand objects of reformation, were those gentlemen better qualified for commissioners than members of that House? Not, surely, by their former habit of life! No one could respect their characters more than himself; but what were their former avocations? One was Sir Guy Carleton, an officer of distinguished merit; but military and numerical talents were not necessarily connected. Another, Mr. Piggott, was young in a profession to which he could not be thought an enemy, but he could not admit that it qualified gentlemen for a commission of this kind. Added to these, there were masters of chancery. In short, men of almost every description, but of that peculiar description which belonged to members of that House, viz. men accustomed to transacting national business.

Another argument used by the noble lord was this, that a delay having occurred in the initiation of this business, it would be again retarded by changing its conductors; for the delay had not arisen from any official neglect of the Treasury: No, that was impossible; they could never think of obstructing an enquiry into national expenditures! But here his former answer would apply; the future subject of enquiry differing essentially from the past, if preparation was necessary, it would be equally so to the old as to the new commissioners; for the former would of course deliver over to their successors all papers and articles of undigested evidence now in their possession.

The noble lord had admitted that it was true, sir Guy Carleton and Mr. Piggott had desired to retire, and that for the reasons before stated; but that such were their good wishes, such their zeal to serve the public, from a consciousness of the good that had arisen, and of the greater degree of good that might arise from their prosecution of their labours as commissioners, that they had determined to give up every personal consideration, and con-

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tinue to act under the renewed commission. The plain English of this argument was, that sir Guy Carleton had determined to have no more ill-health, and that Mr. Piggott was determined to have no more business. For this, ridiculous and absurd as it was, was the only rational interpretation that could be put on the noble lord's words. Again, the noble lord had boasted greatly of the experience of the present commissioners, and had said, that no persons could be equally capable of discharging the duty of commissioners with those who had been tried, who had been found able, and who had given proof of their talents, their assiduity, and their integrity. He admitted that they were men able, industrious, and honest; that their reports were clear, and their attention indefatigable. But as to their superior abilities and assiduity; without his selecting any of those gentlemen, whom he had the happiness to see round him, surely it would be no very difficult matter to find six gentlemen on either side of the House, to the full as able, as prompt, as industrious, and as honest, as the present commissioners of accounts had shewn themselves. He asked whether there would not be more dignity, as well as more power, in a commission of accounts filled by members of parliament than men of heterogeneous professions, almost inaccessible from their place of meeting, as they sat in a commission filled by scarcely any person knew whom, or where?

After a variety of particular arguments, all strongly applicable to what lord North had suggested, Mr. Pitt resumed his general argument, as well on the propriety and the necessity of reformation as on the duty of the House to listen to the voice of the people, and do something more than follow the noble lord in every proposition he offered, let it be good or bad, solid or superficial, politic or impolitic. He earnestly conjured them to use their own eyes, and to consult their own understandings; to return to a sense of their duty to the people, to act like honest independent members of parliament, and no longer implicitly to pin their faith on the sleeve of a minister, whose sole object it was to deceive and mislead, just as best answered his purpose. He concluded with a pathetic exhortation to the noble lord, that he would at least give up this point, and shew the public that some substantial remedy was intended for their complicated misfortunes. If this commission was properly constituted, there might still remain some hopes for the prosperity of this country, for having once returned into the path of rectitude, they might go on progressively from one step of reformation to another; but if the motion was rejected, and the old vicious system of government thus in every point tenaciously adhered to, the freedom of the people and the independence of that House must be buried in the same grave with the power, the opulence, and the glory of the empire.

The House divided:

Tellers,

Yeas	Colonel Barré Mr. William Pitt	- - - - -	42
Noes	Sir William Gordon Mr. J. Robinson	- - -	98

So it passed in the negative.

Debate on Lord Beauchamp's Bill to remedy certain Inconveniencies in the Marriage Act.] May 28. Lord *Beauchamp* requested the House would favour him with their attention on a subject in which the domestic happiness of thousands was greatly interested. A decision, which had been made during the course of the last week in the court of King's-bench, respecting the validity of marriages in certain cases, must necessarily be alarming to the public. The case he alluded to was this; a pauper having been sent, with his wife and children, from one parish to another, claimed in the latter a settlement for his family. The overseers of the poor, influenced by the great number of his children, refused to admit the claim; and consulting with an attorney were advised by him to persevere in their refusal, because, from the circumstances of the man's marriage, the children were bastards. The circumstances were simply these: that the marriage had been celebrated in consequence of the publication of bans in a chapel which was not in being at the time when the Marriage Act was passed; the case was brought, by Certiorari, into the King's-bench; and there the judges had unanimously agreed, that according to the letter of the law, no marriage was valid if the bans were published in a church or chapel which was not standing at the passing of the Marriage Act; or which had not been built upon the scite of a church or chapel in which bans had been published previous to the enacting of that law. Many marriages had been celebrated in chapels of this sort, and families

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of children had been the fruit of these marriages; all the tender charities of life, arising from such unions, were valid in the law of nature; but *in foro conscientiæ* must be illegal, because informal in the eye of the municipal law of this country. The consequences that would follow a rigid construction and enforcement of the above-mentioned law were shocking to the imagination, and when actually suffered must be dreadful. The dearest connections torn asunder, and the innocent offspring of those innocent connections rendered illegitimate. How far these evils might extend, could not be accurately ascertained; but it was evident that many worthy people were liable to them as the law now stood. His lordship therefore hoped that the House would think it their duty to amend it: that it called aloud for amendment, was obvious to the common sense and natural feelings of mankind. Influenced by these, a court of justices, waving the literal interpretation of the law alluded to, had justified and defended the party accused, in the parish above mentioned. But the cause was appealed to the court of King's-bench, who could do no other than reverse the sentence of the justices, and decide in favour of the appellants. The judges had made their decision much against their inclination; but as the statute was of a penal nature, they were obliged to adhere strictly to the letter of it; their wishes inclined them one way, their oath and their duty led them another; and disagreeable as it was to their feelings, they had been obliged to make a decision that bastardised thousands. It was now the business of the legislature to provide for the ease and quiet of families, by passing an Act, that should legalise all marriages that had been celebrated in the manner above described; and the House were bound to do it immediately, lest the remedy should come too late for securing the happiness of many families, if the decision should be spread over the kingdom before a new Act could be passed to counteract its effects. As dispatch was necessary, so he had already prepared heads of a Bill; and he trusted the House would dispense with the strict observance of order, and permit him to bring it in directly. He had consulted the judges of the kingdom, and they had expressed their entire approbation of the Bill; saying at the same time, that it was calculated to do what they themselves would have done if they could. He flattered himself, therefore, that no opposition would be given to the speedy progress of a Bill, which was absolutely necessary; and which was brought to the House under the sanction of the law officers. He then moved for leave to bring in a Bill, "to remedy certain inconveniencies which have arisen by means of the Act of the 26th George the 2nd, intituled, 'An Act 'for the better preventing of clandestine 'marriages.'"

Lord *Surrey* seconded the motion; and strongly recommended to the House, a Bill tending to rescue the progenies of whole parishes from illegitimacy: he also expressed his wish that the noble lord would carry his views a little farther, and move for a complete repeal of the Marriage Act. In the town which he himself had the honour to represent (Carlisle) all the inhabitants who wanted to be married, found it extremely convenient to go a little farther north, to a place called Gretna Green, where they were under no legal restrictions; and where they stood not in need of licence or publication of bans. He was sorry they could not find this convenience at home, and that the inhabitants of South Britain were not in this respect as free as their fellow subjects of the north. At the same time, he said, the city of Carlisle would suffer somewhat in their traffic by the repeal of that Act, for they reaped considerable advantages from the numerous excursions that were made from different parts of England to Gretna Green. The travellers came through that place in their journey, and the town was enlivened as well as benefited by the wedding parties. But this was a species of trade which he was sensible they would willingly forego for the more general comfort of freedom in this important point.

Mr. *Fox* spoke to the same effect. He said the Marriage Act was a disgrace to the country and to the statute book, and he sincerely wished that the legislature would at length open their eyes to the true and plain policy of openness and impartiality in preference to pride and avarice, and abolish those restrictions which oppressed the poor without benefiting the rich. The very object for which the Bill had been passed was defeated; for every body that could pay for a chaise and pair could be married in spite of its provisions. He recommended to the noble lord to make his Bill go farther. Perhaps the present proof of the calamity to which it

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had given birth might operate with the other House, who were the chief advocates for the Marriage Act, and tempt them to do that now which they had refused before, namely, to repeal it.

Lord *Beauchamp* said, he had confined his Bill to this provision only that there might be no impediment to its passage through both Houses. If he had carried it to other points, obstacles might have arisen to occasion delay, or perhaps to stop its progress entirely; and the danger of this, in a case which so loudly called for the immediate interference of parliament, to prevent the ill consequences that might arise from the publication of this decision, had induced him to go no farther. It was late in the season, but in another year a plan might be formed, and a Bill introduced, to which the Lords might be brought to agree, for the repeal of the Act.

Mr. *Dempster* loudly reprobated the Marriage Act, as being cruel as well as impolitic, and disgraceful as well as absurd.

Mr. *Turner* spoke of it with indignation, and said it was shameful to the statute book. It was a breach of religious liberty, and an encroachment upon the natural freedom of the subject; and if nobody else would undertake the task, he declared that he would himself in another year bring in a Bill totally to repeal that Act.

Lord *Mahon* said, that if the House of Lords would not agree to the total repeal of that Act, there were yet parts of it to which he thought they would not refuse their abhorrence when properly explained, by which a partial repeal might at least be obtained. But in the mean time the present Bill was very proper, for he believed there were thousands of marriages solemnised like that now mentioned, which might all be called in question in consequence of this decision being made known and annulled; a circumstance which surely every good man must be anxious to prevent.

The Bill was then brought in and read a first time:

Mr. *Fox* begged lord Beauchamp to inform him on what day the Bill was to be read a second time. He acquainted the House with the reason of this enquiry, which was, that he thought the Act now to be explained deserved their most serious attention. He wished it was possible to recall all the arguments used in support of that very impolitic law, by which the rights of nature were tyrannically circumscribed, and impediments thrown in the way of an institution which every wise legislator should sedulously encourage: when it was predicted by the opposers of it, that its consequence would be rendering marriage-contracts insecure, and introducing endless litigations between families; it was replied, this is impossible, for every man may look in the Act, and see at once what marriages are legal, and what the contrary, the provisions are too plain to admit of different constructions. But how had this been verified? Thousands had been inadvertently betrayed into illegal marriages, and innumerable suits may be instituted to try their validity; so that the peace of individuals would be shaken, and parliament obliged periodically to pass Acts, something like those of insolvency, to legalize such nuptials as had improvidently been made. Of this nature was the present Bill, and if gentlemen would thoroughly attend to it, they would see at one view the necessity of repealing an absurd statute, the mischiefs resulting from which had been innumerable, while every good consequence the legislature had in view was constantly defeated.

Mr. *Dundas* attacked the hon. gentleman for indulging his hereditary hatred to the Marriage Act so far as to forget that not one emendation had ever been found necessary since it passed, nor one ill consequence discovered till that which gave rise to the present Bill.

March 31. The House went into a committee on the Bill.

Sir *P. J. Clerke* wished to have one difficulty explained away. By the late decision in the court of King's-bench, the parish which had disputed the legality of the pauper's marriage, had been freed from the expence of supporting him and his family; and the Bill then in the committee, declaring children born in the same kind of wedlock to be legitimate, the parish would be obliged to maintain them, consequently would lose the benefit of the decision, obtained after much expence.

Lord *Beauchamp* said, that the difficulty had occurred to him also; and that he saw but two ways of getting rid of it, without burthening the parish; one was by excepting poor Theophilus Jones and his eleven children out of the provisions of the present Bill, which he was convinced

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would shock the hon. gentleman's humanity; the other, by voting him or the parish a sum of public money; and that was a circumstance to which he imagined the hon. member would not consent; in a word, the expence the parish had been at in prosecuting the suit had been but about 30*l.* or 40*l.* and to his knowledge the parish was large and opulent, and could very easily bear the charge.

Lord *Mahon* proposed to introduce a clause, by which, in future, it should be lawful to consummate marriages in chapels as well as in parish churches.

Lord *Beauchamp* objected to this clause, principally because he wished to see this Bill clogged with as little new matter as possible, in order that its immediate passing might not be prevented. This was necessary on account of the many instances of a similar nature to the present, which required the instant interference of the legislature. If the noble lord's clause was inserted, and he should be obliged to go with the Bill to the other House with that clause in it, he was sure (as the clause in question would affect the diocese of every bishop more or less) the Bill would have to encounter the objections and animadversions of the whole bench, and so much difficulty would arise, that in all probability it would not be passed this session; he advised the noble lord therefore to consult the bishops on his clause; and, if they thought it proper to have the sanction of parliament, to make it the subject of a new Bill next sessions.

The *Attorney General* supported lord Beauchamp's objection to the clause, and said it was the professed purpose of the present Bill not to interfere with the Marriage Act, whereas the noble lord's clause virtually repealed that Act, and could not fail to occasion the loss of the Bill. He therefore advised the noble lord not to press it upon the committee.

Mr. *Courtenay*, in a strain of sarcastic irony, attacked the principle and tendency of the Marriage Act. He said, the noble lord's Bill was evidently designed to counteract the spirit and intention of the legislature in framing the Marriage Act of George 2, for by the strict construction of that Act, which appeared by the late decision of the King's-bench, the legislature intended to prevent all hasty, inconsiderate, rash marriages; probably induced, by experience and wisdom, to counteract their fatal effects both on individuals and the public. Now, by the strict and legal construction of the Marriage Act every man married in the chapels described in the noble lord's Bill might legally get rid of his wife and children; which was undoubtedly the design and intention of those who framed the Marriage Act of George 2. But this amending, explanatory Bill, legalised all such marriages, and obliged the husband to acknowledge his wife and maintain his children, however contrary to his own wishes and inclination. He strongly urged the duty of the House to reject the noble lord's Bill, because the framers of the Act of Geo. 2, wisely threw as many obstacles as possible in the way of matrimony; and considering the miseries usually attending wedlock, the obvious purport of that Act was judicious, salutary, and laudable. Some people, indeed, thought, that as population should be the great object of the legislature, matrimony should be always encouraged, and rendered open and facile to all ranks of people, especially in a free country, where it is not so necessary that hereditary vices and blemishes, mental and corporeal, should descend to the latest posterity. He declared, that no partiality or prejudice to his countrymen, who were supposed to have remedied many national defects among the great and noble families of England (by pouring new blood into the constitution) should ever induce him to adopt such dangerous principles, as it might be extremely proper for great families to confine the circulation of property to their own rank; for, if they once lost the consequence inseparable from riches, they could boast of no other qualification to distinguish them from the vulgar. He said, the noble lord's amending Bill was a libel on the Marriage Act, and would bring it into disrespect and contempt; many he knew condemned it; and Scotland boasted, that by opening her hospitable arms to crown the wishes of the panting amorous couples, she checked the tyranny of the Marriage Act (that foe to virtue and population), as she had before checked the progress of the Romans, in their attempt to reduce and enslave every part of Britain. He then, in the same strain, paid some compliments to lord Beauchamp, and said, however erroneously he acted, he was sure his intentions were good; the noble lord, he added, was induced to make this direct attack on the Marriage Act by considering it as not congenial with the principles of our free and glorious constitution; he might think,

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perhaps, that a mixture of ranks by the virtuous, legal, and honourable tie of wedlock, was more consonant to the spirit of our government and genius of the people. The noble lord might think, that a union between the sexes, a legal and virtuous union, should be encouraged, instead of being restrained by the representatives of the people; that licences should be easily procured; that the parson should be always ready; and that, "Noctes atque dies, pates atri janua ditis," would be no improper poesy for a wedding ring. The noble lord might think,

"Far other maxims formed our state,
All others mixed of low and great,
Compose th' harmonious frame;
Firm hath the mighty fabric stood,
And Britain boasts her mingled blood
In many a deathless name."

Thinking in this manner, the noble lord had intended to act in contradiction to the wise tyranny and prudent oppression of aristocratical pride and avarice. His lordship might be in the right; but, as it was contrary to the measures of parliament, which surely must be wise, he did not believe that the House would agree to it.—Here Mr. Courtenay was called to order by the chairman and other members.

Lord *Mahon* said such arguments had something so ludicrous in them, something so different from what ought to be the serious temper of parliament, that he did not choose to answer them, nor ever would offer a reply to men, who, upon the most serious subjects, turned every thing into jest and ridicule. His lordship proceeded to argue in support of his clause, but declared that such were his good wishes towards the noble lord's Bill, that sooner than endanger its success in the other House, he would forego pressing it upon the committee.

The Bill then passed the committee.

June 7. On the order of the day for the third reading of the Bill,

Mr. *Fox* rose to offer his opinion on the absurd and improvident Act which had given rise to the present Bill, and which would, no doubt, give rise to many Bills of a similar nature. He reprobated the intentions of the Marriage Act in very severe terms, and considered the whole as tyrannical and absurd, oppressive and ridiculous. He strongly painted the extreme impolicy and pernicious consequences of restrictions on marriage, considered in an abstract point of view. He pointed out many inconveniencies that had resulted from the Act of George 2, as as well to private families as to the public in its aggregate interest; that Act, he said, had originated not so much in aristocratic pride, which was the popular idea, as in a low principle of avarice, which made men covetous to augment the wealth of opulent families, by interested alliances, and retain all the riches of the country in a few channels, instead of dispersing them into many, which was evidently more for the public advantage. To this end the most generous passions of the heart were unfeelingly sacrificed, and the laws of nature violated by parental tyranny; but the means adopted by the legislature had been as defective as the object was absurd; for not only the access to matrimony was made difficult, but, by a retrospective regulation, marriage contracts were made void, the happiness of families disturbed, and innocent persons bastardised, if some trifling formalities were not attended to. Various objections to this effect had frequently been urged against the Marriage Act on former occasions, and he himself had taken an active, uniform, and decided part in opposition to it, as often as the subject came before parliament; but his opinions had been controverted, and always in the event with success; he might therefore be led to despair of ever overturning this destructive law, did not the Bill now under consideration furnish one very cogent argument in his favour, in addition to every thing that had formerly been advanced; for the pernicious effects of the Marriage-Act were now made unquestionable, by the necessity of the explanatory Bill which the noble lord had with so much propriety introduced; to this, then, he would briefly call the attention of the House, and here rest his arguments, trusting that gentlemen, who would be convinced by no other species of demonstration, would at least yield to experience.

Here they saw what had been the consequences of innovating on the old established forms of marriage; infinite difficulties had occurred; the public in general were totally ignorant of those regulations in which the welfare of every family was so deeply concerned; and though the Act in question was not only perspicuous in its language, but sufficiently promulgated by being read on a thousand different occasions in all the parish churches, yet so little was it understood, that an in-

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finite number of people had inadvertently formed illicit marriage contracts, and begot an illegitimate offspring. It was not anywise to be inferred from this, that the legislature had passed the Act without proper caution, or omitted any provisions that might render such a measure inoffensive in its operation; on the contrary, it was a matter of astonishment that a statute could be framed for altering the established custom in a matter of such universal moment, without producing more speedy and more fatal ill effects. Had it been drawn with that careless hand which many Acts were in the present times, in less than a week after it passed, the Bill now before parliament, or some similar one to explain and amend it, would have been found requisite; and perhaps it would have been happier for the public had this actually been the case, for the longer the mischief remained latent, the more pernicious must it in the end be found, and the more incurable. He begged gentlemen calmly to consider what deplorable effects might have resulted to individuals had this defect, which had now been seized on by parochial interest, been discovered by a mercenary man in a question of private property. Suppose only, that where the right to a large landed estate was in controversy, a near relation of the possessor being claimant, had discovered that his opponent's parents were married in one of these new chapels, and grounded his claim on the Marriage Act, as being the next legislative heir; in that case he might have defied any court of law in the kingdom to decide against him, and the other unfortunate party must have been consigned to infamy and ruin. Perhaps there might be a man, who would go on the foundations of law against the principles of honour and the ties of blood, to rob his brother's children of their estates and fortunes, because they might have been the children of a marriage ignorantly consummated, like the present. Perhaps the noble lord then as now might bring in a Bill for their relief; but in what a distressing dilemma would the House have stood, when a man appeared at their bar, demanding not to be bereft of property to which, by the plain express meaning of the legislature, he was legally entitled! They might consider him, it was true, as an ungenerous and an unfeeling man: his conduct they would justly call dishonourable, but it would be legal: it would be justified by law though condemned by morality; and they must consider him as a man infamously acting under the sanction of an act of parliament.

He was aware, that the propriety of the late decision had been controverted; that some gentlemen of great legal knowledge thought the Act erroneously expounded; that, in the expression of "churches, in which nuptials have been usually solemnised," the legislature intended such as might in future acquire a right by usage, as well as those which possessed it at the passing of the Act. In answer to this he must observe, first, that whether just or otherwise, the judgment had effect till removed by some superior court, and that in his opinion it was founded on a true exposition of the Act; but admitting, for argument sake, the contrary, still the difficulty, if not equally extensive, would be more perplexing; for it would then become a question, what exact period of time constitutes a legal usage within the meaning of the statute? Those marriages first solemnised in chapels built after passing the Act, must indisputably be void; and as to the subsequent ones, the strangest confusion in the world must arise, for of two couple married in the same church to day and to-morrow, the children of the one might hereafter be deemed bastards, and those of the other legitimate.

One blot in this absurd Act of parliament had already been hit; but who could say how many more were still latent? Some there were, without dispute; for, on his own knowledge, he could mention one case of at least equal hardship with that now under review. The Act required that the consent of parents or guardians should be actually obtained and expressed; now, there was a noble family, in which, by this provision, a most disagreeable accident had lately almost happened; and as the mischief had been happily prevented, he might mention it with safety to the parties. A marriage was about to be solemnised, to which there was the fullest approbation of the families on both sides; but the consent of one person, who by the law was entitled to have a voice, by some oversight had not been expressly given, not that there was any reluctance, but that such a formality was not recollected to be essential; this omission went on till within half an hour of the wedding, and it was then accidentally thought of; now, had the ceremony actually taken place under such an over-

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sight, it would have been illegal, and perhaps, in the second generation, the legitimacy of the issue might have been questioned. Though this was the only instance of the kind within his remembrance, it could not be doubted that a thousand similar ones existed, and that many couples now living in security with full confidence that they had been legally married, might in fact stand in a most hazardous predicament, both with respect to their own reputation and the interest of their children. He hoped, therefore, that in case he could not succeed in procuring a repeal of the Marriage-Act, at least there might be another amendment, making the express previous dissent of parents necessary to disannul the contract, and sustaining all marriages which have been solemnised with only their implied concurrence.

There was also another provision in the Act that required explanation, and if the noble lord had not taken notice of it in his Bill, the omission should certainly be supplied; for all persons, who had solemnised marriages in any of these new chapels, were at present liable to transportation. Under danger of that penalty stood at present a vast number of clergymen, and some prelates in the upper House; but as America would not receive them, they must go to the Justitia hulk, which to be sure would be a terrible thing, and he hoped the House would interfere to save these reverend, and right reverend gentlemen, from so horrid a fate. It was an absolute fact that several, if not all, of the bishops had transgressed in this way, and, by the bye, the House might have the mortification to see bishops in their lawn sleeves, instead of preaching the word, heaving ballast on the Thames.

If after the various inconveniences that this Act had been found to produce, and the strong arguments that had been so often urged against it, in opposition to which he had never heard a solid one in its favour, it was still thought necessary to endure every mischief rather than suffer that intolerable abuse of women, (who were unquestionably best qualified to judge what husband would please,) the being obliged to obtain the consent of parents or guardians, instead of choosing for themselves, the absurdity of continuing the Marriage-Act would plainly appear from its being wholly ineffectual. All the end which the Bill was originally intended to answer was defeated; and he thanked God that it was so by the friendly interposition of Scotland. The people of Scotland rejected the provision of that law, and were barbarous and uncivilised enough to retain the old maxim, that a woman could choose better for herself than either parent or guardian could choose for her. So that all the intention was lost with respect to the preventing women of high families and large fortunes from marrying without the consent of parents; and there was nothing left but the tyranny, the oppression, the calamity, and the absurdity of the Act, in its restraining the marriages only of the people, to whom a journey to Scotland might be too expensive or inconvenient.

He confessed, he was under some embarrassment concerning the line of conduct which it would be now proper for him to pursue, for he did not wish to retard the present Bill, absolutely necessary as it was to the happiness of thousands, and yet he could not, contentedly, lose so favourable an opportunity of proposing a repeal of the Marriage-Act, to which his enmity had always been irreconcileable. Considering the late period of the session, he would not wish to trouble the House to no purpose, and therefore should be glad to know how the noble lord, not now in his place (lord North) stood affected to the proposition, for if that noble lord determined to oppose it, he would despair of success, and would therefore forego his design. He hoped however his lordship would at length come into the measure, and therefore wished rather that any other member should move the repeal than himself, for he and the noble lord had such a habit of disagreeing, on almost every subject, that the motion might fare the worse for coming from him. He did not know how it was, but the Marriage-Act had retained its partizans longer than any other measure or political tenet whatever, for among all the intermixtures of party, since its first introduction, the friends or enemies of that Act had never changed sides. He had been called its inveterate, hereditary enemy, and he confessed he was, consequently should an inveterate enemy propose its repeal, its friends would probably take alarm, and defend it with all their force; from this consideration he should be happy to have the noble lord over the way (earl Nugent) who had formerly opposed the Bill, or any other member, make the motion, which he otherwise must himself trouble the House with.

Earl *Nugent* perfectly coincided with

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the hon. gentleman in his opinion of the Act alluded to, but declined moving its repeal at present, recommending rather to defer it till the noble lord (North) should be present. He suggested a curious case, not hitherto adverted to, against which the present Bill could not provide a remedy. Supposing, said he, a man who has been married illegally in these new-built churches, and whose wife is still living, should, pending this Act, marry another with due formalities, I should be glad to know how parliament could then interfere to rescue the former wife from infamy, or retrieve in her case the consequences of that improvident Act? We should have no other possible resource but to adopt the scheme of Dr. Madan; and then, when one man met the indulgence of having two wives, perhaps others would think themselves entitled to the same.

The Bill was read a third time and passed.

Debates on Mr. Fox's Bill for the Repeal of the Marriage Act.] The House were then very loud in calling out to Mr. Fox to move. He sat for some time to see if any other gentleman would take the matter upon himself; but none rising,

Mr. *Fox* got up, and said, that since no other gentleman seemed inclined to take the matter out of his hands, which, however, he was very sorry for, on the account which he had mentioned, he would now proceed himself; and notwithstanding the objection made on the ground of the noble lord's absence, he would make his motion; for considering the lateness of the season, no time was to be lost, and there would be opportunities enough for opposing the Bill in its different stages, when the noble lord would be present. He then moved, "That leave be given to bring in a Bill to amend the Act of the 26th of George 2nd, intituled, 'An Act for the better 'preventing of Clandestine Marriages.'"

Earl *Nugent* recommended deferring the motion, not only because the noble lord was absent, but because notice should previously have been given of a motion of so much consequence.

Mr. *Fox* observed, that he had intimated an intention of offering something to the House relative to the Marriage Act; and as he should only get one step forward by the present motion, he thought that notice sufficient.

Mr. *Burrell* begged the hon. gentleman to declare, whether his motion was to amend or repeal the Act in question; for though perhaps, the one might be necessary, he should certainly oppose the other.

Mr. *Fox* informed the hon. gentleman, that his motion stood to amend; but it was his intention to repeal every part of the Act, except that which required a register of the marriage.

Leave was then given to bring in the Bill. On the 11th it was read a first time.

June 15. On the order of the day for the second reading,

Mr. *Ambler* opposed the Bill, considering, as he did, the Marriage Act as highly advantageous and necessary to the well-being and good order of society. There were obstacles in the way of clandestine marriages before the origin of this law; but they had proved ineffectual and nugatory. The obstacles were, that the clergyman who married a couple in a secret manner, without the publication of bans, was liable to the penalty of 100*l.* and in failure of payment, to imprisonment. This was a mere bugbear. Obscure men set up and made a trade of marrying. It was idle to prosecute for the fine; they were not worth a six-pence; and as to imprisonment, they were already in that predicament; for those marriage-shops were all in the Fleet-prison, and the persons who made a profession of it, confined in that gaol. The evils arising from this practice were many. Those dark and secret marriages were attended with consequences of the most fatal kind, proofs of the marriage were wanting, by which its validity could be ascertained, and the legitimacy of the issue established. There were books of the marriages in the Fleet; but from the manner in which they were kept, from the erasures and insertions that were made, the courts of law in Westminster never would admit them as proofs of marriage. The Romans were of opinion, that the consent of parents was necessary until the couple should arrive at the age of 25. It was not, therefore, either a new or a severe law, and it had not been felt in its consequences as injurious or productive of events either to be dreaded or removed. Surely, no gentleman would think of letting a boy at 14, or a girl at 12, which are the common law ages, choose at a time when they had not yet come to the power of distinguishing right from wrong. Wise men in all ages had taken care of their progeny, and not left them to a chance so

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precarious: but there was another motive which operated with him; he meant decency. He remembered, and he believed many other gentlemen remembered, when signs were hung up through whole streets, with "Marriages to be done here." He said, it might be objected that marriage was one of the rights of nature. This he was aware of; but were there not many other rights of nature which the legislature thought proper to restrain? Property was a right of nature, yet there were many restraints under which the laws curbed it. Upon the whole then, he could not see any reason for altering a law, which he believed had done much good, and which he could not feel to have done harm.

Sir *George Yonge* attacked the arguments of the learned gentleman, and spoke of the Marriage Act as a very disgraceful and pernicious law. Surely, the learned gentleman must know that there was a law in the twelve tables of Rome, by which, if a man and woman cohabited together for a twelvemonth without being absent from one another for three days and three nights together, it was a legal and valid marriage in every sense of the word. In Holland also, those who were not of the established religion might be married by two justices, and this was very wisely and properly suffered, because that prudent people knew that population was the wealth of a country. The provisions of the Act were cruel as well as impolitic, and if it had not been owing to the friendly and wise interposition of Scotland, the consequences would have been dreadful. A noble lord had brought in a Bill to remedy some inconveniences that had been felt, but those were not all that were likely to ensue, and parliament would be under the necessity every now and then to bring in a Bill to remedy them. But the Marriage Act was not only impolitic, it was wicked; for it destroyed that union which affection had begotten, and which the want of some trifling ceremonial had legally made invalid, in contradiction of that great commandment of the Almighty, which however unfashionable the book from which he quoted might be, he would on this occasion use as an authority in point; he meant, "Those whom God hath joined together, let no man put asunder." Yet in defiance of this, had our laws thought proper to set aside marriages, for want of something beneath the attention of a legislature, which regarded either the moral or political happiness of its subjects.

General *Burgoyne* contended for the propriety and necessity of repealing the Marriage Act. It was a law founded in the weakness of avarice and pride; but he thanked God the absurdity of the Act had been the means of preventing the malignancy of its intention. He believed it would be confessed that sir Dudley Ryder, who was the warm friend and advocate for this Bill in its origin, gave it as his opinion, in that House, that it was aimed chiefly at the higher order of the state, and that if it was possible to make a distinction between them and what was called the vulgar, he would have done it. This was the argument in the institution of this Bill, and perhaps so disgraceful an idea never was started. What, would the House of Commons presume to make a law in which the orders of life were to be divided, and the vulgar, that is to say the body of the people, that body of which the House of Commons was, or ought to be the guardians, the representatives, and the members, to be particularly pointed out to suffer by the insolence and the avarice of aristocratical rules? The meaning of this doctrine went to this, that a monopoly should be established of the estates and fortunes of the great families in this country, and that they should not mix in marriage with the lower orders of the people. This was a doctrine hostile to the pure principles of the constitution, and which ought to be scouted by every friend and lover of that mixed system which had been so long and so justly the envy and the admiration of Europe. Were not the members of that House in some sort the vulgar? they were the Commons, not the quality of England; and he must add, however it might grate the ears of pride, that it was from the vulgar that this country must look for deliverance. For the sake of this abominable purpose this law was enacted; obstacles were thrown in the way of matrimony; and the poorer part of the people in particular, were subjected to inconveniencies prejudicial to population, but friendly to debauchery. He said, that, in his opinion, if a hundred young noblemen should, previous to this law, have been married to their mother's chambermaids, it would be a much less evil, in the eye of God and the constitution, than if, through this law, one virtuous, poor, and affectionate couple had been prevented from marrying. It was a law which flew in the face of nature; and it had been successfully defeated by every

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couple who had it in their power to pay for a post-chaise to go to Scotland; and therefore all the bad consequences, all the evils, and all the hardships, had been suffered by the poor. He called youth the season of generosity; and it had been constantly remarked, that the young men in that House had distinguished themselves by their endeavours for the repeal of this law. When he looked round him, and saw so many young men of fashion and influence, who had adorned this parliament in so particular a manner, by a display of talents and of zeal unequalled in any former period of our history, he doubted not but that now they would assert the becoming spirit, and shew that the head of age was not so wise as the heart of youth. This gallantry would inspire them with sentiments more noble than those which flowed from pride or avarice, and instigate them to stand forward on this occasion, as the advocates and protectors of the fairest objects in the creation, who were the chief sufferers by this inhuman law. He had, for a second time, the honour of endeavouring to further this Bill; but he did it now with a greater conviction in its favour than he had then; for he had, since that period, the opportunity of seeing a country unshackled with such fetters; he had beheld America, Briareus like, supported by the hands of matrimony. They stood forth in her battles; and it was by the freedom, and the easy access to matrimony, that their ranks were filled, and that they had grown to so astonishing a power as to contend with Britain. He was of opinion with his hon. friend, that population was one of the great objects of every country, and that in distress and in difficulties, he that could boast of his subjects might apply to himself the beautiful passage in Scripture, "Like as an arrow in the hands of the giant, even so are young children. Happy is the man that hath his quiver full of them; they shall not be ashamed when they speak with their enemies in the gate." He concluded with paying a compliment to the abilities of Mr. Fox, in adverting to the expression, that he would not have had existence if the spirit of the Marriage Act had been some time previous to his birth.

Mr. *Courtenay* said, that notwithstanding all that had been urged with such strength of reason and force of argument, against the Marriage Act, he was still bold enough to stand up as an advocate for that Act, which, in his opinion, had been so invidiously calumniated and misrepresented. He should therefore adduce some additional arguments in support of the principles of that wise and judicious Act, which had even escaped the sagacity and acumen of the hon. gentleman (Mr. Ambler) who had spoken so learnedly and ably on the subject. He would even venture to combat the decided opinion of a most respectable authority, the late judge Blackstone; and, with the permission of the House, would read a short extract from his Commentaries on the point. "Much may be, and much has been said, both for and against this innovation on our ancient laws and constitution. On the one hand, it prevents the clandestine marriage of minors, which are often a terrible inconvenience to those private families wherein they happen. On the other hand, restraints upon marriages, especially among the lower class, are evidently detrimental to the public, by hindering the increase of people; and to religion and morality, by encouraging licentiousness and debauchery among the single of both sexes; and thereby destroying one end of society and government, which is *concubitu prohibere vago*. And of this last inconvenience the Roman laws were so sensible, that at the same time that they forbad marriage without the consent of parents and guardians, they were less rigorous upon that very account with regard to other restraints; for if a parent did not provide a husband for his daughter by the time she arrived at twenty-five, and she afterwards made a slip in her conduct, he was not allowed to disinherit her upon that account; *quia non sua culpa, sed parentum, id commisisse cognoscitur*." The sentiments of this celebrated and learned judge, continued Mr. Courtenay, are, it must be allowed, pretty clear and strong; yet he would bow to no authority, convinced that he stood on the 'vantage ground of reason and philosophy. What are we to understand, continued he, by the law of nature? Is it not being governed by those instinctive passions and appetites implanted in us by nature? Is not this sacred law paramount and superior to all other laws, which often derive their vicious origin from force and fraud, and produce those artificial bonds in society, by which natural liberty is restrained, and mankind (contrary to the benign and evident intention of Providence) is rendered permanently miserable? Is not wedlock one of these artificial

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bonds? And have not the framers of the Marriage Act, by throwing every possible obstacle in the way of matrimony, wisely, humanely, and generously endeavoured to restore the law of nature, and to encourage that enchanting intimacy between the sexes, without the pernicious ceremony of marriage? But as some gentlemen were still sceptical, he would attempt to prove, beyond a possibility of doubt, that the framers of the Marriage Act were influenced by the noblest patriotic motives; and that Britain derived every blessing she enjoyed from their liberal and comprehensive way of thinking. In the first place, he was convinced, that by a monopoly of marriages among people of the highest rank and fortune, the purity of blood would descend from generation to generation; and their virtues and their wisdom, their talents and their integrity, as well as their titles and their estates, would be perpetuated in their families *in sæcula sæculorum*. Who would doubt this fact on contemplating the present race of right honourables, whose blood had flowed down from father to son, in one clear, deep, and stately current of pure nobility, neither fouled nor contaminated by any sordid plebeian mixture. Did not we see how distinguished these men were in arts, arms, and science? and to what could such great and shining qualities be ascribed, but to the virtue of their ancestors, which they certainly inherited by descent; and therefore very properly took little pains to acquire such brilliant qualities themselves? On the same wise and laudable principle, the Arabians preserve the noble breed of their horses, (which never degenerate) and keep their genealogy with as much care as we register the illustrious lineage of our great families in the Herald's-office; and is it not absurd, and almost impious to suppose, that any part of the brute creation have any advantange over us in this respect; and that the same philosophical system may not be equally extended to improve, sublime, and exalt the human species? Have not all the wise nations of antiquity adopted the same policy? Did not the Jews always confine the marriages to their own respective tribes; and one of their rabbis (who was a good physiognomist,) asserts, that the features of the twelve sons of Jacob, and their mental qualities, discriminate the twelve tribes of Israel to this day. Do not the Gentoos, another nation celebrated for their policy and antiquity, prohibit by severe penalties, inter-marriages between their different casts? And might it not just at this time have a very good effect, and tend to conciliate the affections of that people, to have our Marriage Act sent out to India? And no doubt some of our nabobs, out of gratitude for the fortunes they have so honourably acquired there, would readily be at the expence of a translation: this would perhaps convince the Bramins, that the principles of some of our laws are congenial to their own, and attach them more firmly to the British government. In the course of the debate, an hon. baronet had said, that by the law of the twelve tables, cohabitation for a twelvemonth, without being absent three days together, became a legal marriage; it was very true; there was such a law in those days; but every body knew it was in the infancy of the state, when Rome was a barbarous republic, when their senate had nothing else to consider but wedlock and population, (synonymous terms among them) and cutting their neighbours throats. But when they became polished and refined by the genial influence of the elegant arts, under the auspicious and mild sway of their emperors, wedlock was no longer encouraged; the Chloes, the Lesbias, the beautiful courtezans, the reigning toasts of the day, were celebrated by every man of wit and fashion; and Horace, in his cups, gaily calls out, *Quis devium scortum eliciet domo?* The Roman senate, enlightened by Grecian learning and the study of philosophy (chiefly Epicurean), considered matrimony as a state liable to much care, perplexity, and endless disquiet, and therefore consulted the happiness and prosperity of the people too much to encourage it. The same reason induced our legislature (who acted on similar public-spirited Roman principles) to prevent young inconsiderate people from taking this fatal, irretrievable step. Was it not the highest wisdom in them to check and counteract those innate impetuous passions, that ferment in youthful breasts, which plunge them in love, and entangle them in wedlock?

He begged the House would particularly consider a few beneficial effects resulting from the law now in force, which would inevitably be lost by its repeal: in the first place, many a pair are now united in the sacred bands, without the least passion for each other; they expect no happiness in marriage, and therefore cannot be disappointed. Their prudent parents,

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or cool-blooded guardians, (from their own experience) know very well that a connubial attrition, which must necessarily take place, may light up the flame of love, as two sticks will take fire at last by continued friction. He requested the House would also recollect, that the present plan was also favourable to divorces, and surely these were highly beneficial to the public; for as the parties often married again, two marriages were produced out of one; as the cutting of a polypus in two, instead of destroying, multiplied the species. This he only urged as *argumentum ad hominem*. Mutual indifference also naturally produced gallantry and intrigue, and consequently that high polish and refinement of manners for which our neighbours, the French, were so justly celebrated; and which enabled them to give the ton to all Europe; but, as it is universally allowed, that the British genius leads to improve on whatever they invent, it is to be hoped we shall soon excel them even in this; and by the astonishing and rapid progress we have made in the graces within five and twenty years, that triumphant period is not very distant.

He remarked, that reason was weak, and passion strong, in the youth of both sexes, from sixteen to twenty-one; this was the critical age of innocence and delusion:

"When fair opinion gilds, with varying rays,
"Those painted clouds which beautify our
"days."

The ingenuous youth then views the charms of his mistress with all that ridiculous heart-felt love and affection incident to folly and inexperience; she listens to his honeyed vows, and if the Marriage-Act did not terrify them from the crime, they would undoubtedly marry. But the impracticability effectually saves them; and what is the consequence? She yields to the bewitching suggestions of love and nature; the young man grows wise, his eyes are opened; he knows good from evil, sees things in their true light, and thus improved and enlightened by his first essay in the philosophy of nature, he acts and thinks as a man, gets rid of all childish prejudices, and frequently, for the remainder of his life, prefers the sweet and transient enjoyment of a mistress to the perpetual and embittered possession of a wife; the spell is broken; he forsakes his once beloved mistress; and if a child is born, it is committed to the tender and fostering care of the parish; and the mother, with all her rural bloom and beauty, comes up to town, and becomes a valuable acquisition to the public; and, by a liberal distribution of her charms, she, in her turn, prevents our giddy unthinking youth from ruining themselves, and bringing disgrace on their families, by marrying prematurely. In all civilized nations, this class of females has been protected, and no institution, ancient or modern, has raised so many recruits in this way as the Marriage-Act. In the virtuous times of our ancestors, a particular district was appropriated for the residence of these liberal females; and as the clergy then claimed an exclusive right on all nice and delicate points, in which conscience and pleasure were concerned, the care, patronage, and protection of these females were committed to the archbishop of Canterbury. The Marriage-Act, he said, produced numbers of illegitimate children; *filius nullius*, by the common law, was the definition. Bastards were the children of the public; for the public may justly claim the children of nobody. They were a hardy race, unspoiled by the mistaken tenderness of parents, bred up under the parish-officers with all the rigour of Spartan discipline, and were great and never-failing resources to supply our fleets and armies.

An hon. gentleman had held out to the House the policy of America; which (unblest by a marriage-act) gave every encouragement to wedlock and population. He talked of the golden age of America; that was long passed, and, as it was now the iron age there, he hoped we should not pay much attention to her police or institutions. The hon. gentleman might as well recommend another custom (not uncommon in America) the custom of the lads and lasses bundling. The ceremony, he heard, was this, the young man and woman sleep together, but preserve the strictest bounds of decency and decorum by not taking off their under clothes; however, if the stamp-act takes place under this restriction, and the girl proves with child, they are, *ipso facto*, married; but if nothing substantial is produced, it is supposed that nothing passed but harmless play, and the couple return to their former state of independence.

He then adverted to the situation of Ireland, where poverty and population went hand in hand; because there were priests in that country who would marry a couple for a shilling and a bottle of whisky; and every cabin was crowded with

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five or six children: those who had not been in Ireland could have no idea of such a scene; but he had often seen half a dozen infants almost naked, sporting on a dunghill before the cabin-door, and their white and shining skins put him in mind of blanched almonds stuck in an orange pudding. He next called the northern members to vote against the present Bill, as a repeal of the Marriage-Act would prevent many jaunts to Scotland; by which the duties on post-horses would be diminished, and the revenue, of course, suffer. Besides, many people would lose the pleasure of seeing that celebrated country, which but for matrimonial business they would never visit.

One more objection he would obviate, and then conclude: it had been triumphantly urged, that by the strict letter of the Marriage-Bill, a number of the clergy, and even some bishops, were liable to transportation; or, instead of that, might be sent to the Justitia at Woolwich. But he begged the House would seriously consider whether (supposing this actually to take place) many beneficial effects might not result from it. The convicts would be reformed by the morality, piety, and sobriety of their godly conversation, and many souls would be saved. There would be no farther necessity for paying a chaplain (a great and unnecessary expence, which some gentlemen had complained of in the beginning of the session), and the noble lord in the blue ribbon could then have no apology for still insulting and burthening the public with this national grievance, and increasing the civil-list establishment. He submitted to the House whether he had not, on the sound principles of reason and philosophy, demonstrated the wisdom, policy, and utility of the Marriage-Act; that it was consonant to the law of nature, and the uniform practice of every civilized and enlightened nation, ancient and modern; consonant to the genuine principles of our free constitution; equally tending to promote public and private happiness, to increase the revenue, prevent additional taxes, and diminish the poor's rates, which must still rise, (enormous and oppressive as they were at present) by beggary, population, and wedlock. A manly, strenuous, and effectual opposition to the present Bill, could also prevent those calamities which must ensue by a repeal of the Marriage-Act. He therefore hoped every friend to his country would defend and support it.

Mr. *Yorke* defended the principles on which the Marriage Act was originally brought in, and the part which the earl of Hardwicke took in it. In his opinion it was founded in wise and necessary policy. As to the harangue which the last hon. gentleman had made, it would have been fit for the school of eloquence, but was certainly indecent in that House.

Mr. *Jolliffe*, notwithstanding the severe satire that had been made upon the Marriage Act, said, that he was yet a friend to it, and would oppose its repeal. No real grievances had arisen from it: whoever was able to pay for a postchaise could go to Scotland. It never was complained of till the late occasion in the court of King's Bench, and in that case a noble lord had provided a remedy. It was not at all a clear point that it had produced any inconvenient consequences; none had ever come to his knowledge. He described, in a lively manner, the affliction arising to families of distinction from the imprudent marriages of their children. An hon. gentleman whom he had in his eye, who was a distinguished foe to the Marriage Act, (Mr. Fox) did not know a parent's heart; but he hoped he would know it one day, for he trusted he had not made any resolution against entering into the state of matrimony. He hoped he would have a son who would transmit the abilities and virtues of his father and grandfather to a late posterity; and who would be the darling of his father, as he was of lord Holland, whose affection for Charles, who was his favourite son, was unbounded, and who always spoke of him with rapture; but whether Mr. Fox should ever marry or not, he knew that his generous heart embraced with tenderness all his relations. Could he think, without horror, of the present young lord Holland tarnishing the honour of his house by a marriage with a common strumpet? Yet to so great a misfortune was every youth exposed, if at every turn, in every place, a priest was to be found, who would perform the ceremony of marriage, and that marriage be valid. The law did not infringe the natural liberty of mankind in marriage, but obliged them to take time to think before they ventured on the most important step in their life, a step on which their happiness or their misery so much depended. He said that many young persons were sent over to this country for their education, both from the East and West Indies, who might fall a prey to necessitous and

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designing vagabonds. It was an easy matter to corrupt the fidelity of a schoolmistress; who, after giving the suitor frequent opportunities of being with the young lady, says, "why really, miss, he is a very agreeable man, you could not do better than marry him;" and the thing is done at once: the young lady, stripped of her fortune, is abandoned by her robber, and left to disgrace and want. He said, that the difficulties which had arisen under the Marriage Act, were from the mis-explanation of that Act, and not from any error in it; the Act had borne the test of years, without any amendment or proposal for that purpose, one only excepted, made by his noble friend, and this gave it, he believed, a sanction in the opinion of the House. In short, it was a most salutary and necessary law, and he should never give his vote for its repeal.

Mr. *Fox* then rose and made his celebrated speech in favour of his motion. The hon. gentleman began with an observation on the ironical arguments that had been urged by Mr. Courtenay against the Marriage Act. They were not perhaps such as he should have chosen to have urged in that House, had he possessed the talents that were necessary for the task. They were, however, such as would shew the House the absurdity of the Act, and the necessity of repealing it. The defence that had been set up in favour of the Marriage Act, was not what could possibly incline the House to support it. The hon. gentleman who had spoken last, had argued that the Act had not produced the effects to which it was said to be calculated to give rise: no complaints had been made; no inconvenience had been suffered until the late instance in the court of King's-bench, and for this ill consequence, a noble lord had provided a remedy. Was this an argument for the continuance of the law? What! because it had been nugatory; because through the happy absurdity of its intention, it had failed of producing the consequences for which it was designed, it was to be suffered to continue a disgrace to the statute book! If it had taken effect, the honourable gentleman would then, according to his mode of reasoning, have had no objection to its repeal; but because it had done no harm, because it had been ineffectual, because it had been nugatory, it was to be considered as beneficial, or at least as harmless. The hon. gentleman placed this in various points of view; and contended that this, which was the only intelligible argument that had been adduced in favour of the Bill, ought to instigate the House to a repeal of it; for it was an acknowledgment of its danger, of its impropriety, of its baneful and pernicious tendency, and all that it meant to infer was, that its weakness was greater than its wickedness; that it had not power equal to its will; and that having been conceived in folly, it had ended in disappointment. Why should a statute stand upon the books, whose only defence and whose only merit could be found in its inefficacy? It was a ridiculous and a disgraceful predicament, to which gentlemen were reduced in support of a doctrine that was contrary to the laws of nature and reason.

He had seen three attempts made to repeal this law, one of them he had made himself, and one of them had passed that House to meet its overthrow in another place; and on all these occasions he had never heard one good, one sound argument in favour of the Bill. Neither on these occasions, nor on the first introduction of the Bill into the House, agreeable to the best of his information, had there ever been an argument advanced in its favour, which ought to have weighed with the legislature for its passing. He believed, as it had been suggested by his hon. friend, that sir Dudley Ryder, the then Attorney General, did express a wish that he had it in his power to separate the high from the vulgar, and prevent their intermarriage and mixture.* Good Heaven! could any thing be more disgraceful or more contrary to the spirit and excellence of our constitution! It was a ground to which the present friends and supporters of this Bill were ashamed to resort. They flew to other refuge, and contented themselves with inapplicable arguments drawn from examples of countries in which there was no analogy to our own, and from which no fair and just conclusion could be drawn. But notwithstanding their new arguments the fact and the truth was, that the original intention and purpose of the Act was, as sir Dudley Ryder had confessed, to separate persons of high rank and fortune from the mass of the people; and with this infamous design, an Act had been made which only affected the lower orders of life; for all its consequences had been defeated in those circles where

* For the Debates on the Clandestine Marriage Bill, in May 1753, see Vol. 15, p. 1.

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it was chiefly intended to take effect. Whoever could pay the expence of a postchaise to Scotland, laughed at and defied the Bill. It was only against those who could not afford that expence that it had operated as a grievance. The learned gentleman who had begun the opposition to his motion, had gone into a train of reasoning which to him was inexplicable. He had confounded the laws of man with the rights of nature, and had considered property as a natural right. It was by no means so. It was an artificial right, the creation of human means, perfectly adventitious, and by no means connected with the dignity, the rank, or the happiness of nature. Marriage was, on the contrary, a natural right. He had asserted this on the occasion of his introducing this matter to the House before, and had been contradicted and laughed at for the assertion, but he still maintained, that marriage was a right of nature, to which every creature was in common entitled by the wise laws and dispensations of Providence. This assertion he explained and proved, by saying, that the intercourse of the sexes was a natural right, a right recognized by the laws of the country, and of which they could not be deprived by human institutions. That intercourse was limited by the laws of this, and of every other civilized and Christian country, to a state of wedlock.

This, then, being the only legal condition on which the natural right of intercourse could be exercised, he was entitled to say, and after this explanation he trusted he should not be contradicted, that marriage was a natural right. What, then, could the legislature of this, or of any country, conceive in their insolence or in their folly, that they had it in their power to reverse the decree of God, to alter the system of Providence, and to destroy, by a human law, a natural right! For this reason he had always conceived, that this act was one to which the legislature were not competent from their authority, and much less from their capacity. He did not conceive that parliament had it in their power to destroy or to abridge one single right of nature; such was the right of marriage; such was the right of human liberty, for which our constitution had so amply provided. But if they had presumed, at any moment of pride or avarice, to do that for which they were not constituted, the other obstacle had intervened, and defeated the intention as well as the end. This was the obstacle of their incapacity. It had been visible in other instances: it had operated to the advantage of mankind in this. For though the Marriage Act had been framed with all the ingenuity and all the caution of human skill; though there was no error or defect in any of its provisions, yet it had failed of producing the desired end. Why? For the same reason that all such bills, however subtle, must fail, in which the cunning of man dares to set himself up in opposition to infinite wisdom, and to the eternal laws of God.

But it was said, "this Act does not destroy the right of marriage, allowing it to be a natural right, it only suspends the enjoyment of that right for a time: after the age of twenty-one the party is at liberty to enjoy that right, for then he or she is arrived at the age of judgment and of discretion." The futility of this argument was evident from the recital of it. Was there any such limitation in the laws of nature? Did she point out any period when the human mind might without fear be left to follow its own dictates in the enjoyment of this great right and purpose of their being? After having matured the creature for the enjoyment of the right, did she restrain him for a time from that enjoyment? No; on the contrary, nature pointed out the tyranny of the restriction by the general operation of her system. The age at which the sexes were marriageable was several years sooner than the age of twenty-one, and for several years, therefore, they were deprived of the enjoyment of this natural right. They were deprived of the exercise of it in that season of life most favourable to all the noble and generous inducements of the mind, when with the warm incentives of love and affection the sexes met without those low and sordid views which interest pointed out, and which age and avarice confirmed. The season of youth was the season of passion, when the heart possessed all its feeling and sensibility, untainted by the mercenary considerations which afterwards our commerce with, and knowledge of, the world were likely to inspire. This, then, was the season when connections were likely to be formed between the sexes, which having their origin in mutual passion, were calculated to confer permanent felicity. It was passion and not reason that was the best capable of providing for our happiness in wedlock.

If we were in every great occurrence

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of our lives, and particularly in this, to wait for the slow decisions of reason and discretion, what must be the consequence? Solitary singlehood and general depopulation! For if men, in a cold and sober mood, were to sit down to calculate all the probable advantages and disadvantages of wedlock, the disgusts and anxieties, and all the tribe of contingencies to which the weakness and vices of the heart so often gave birth, how few, how comparatively few, of the human race would venture on the state; for in such a calculation, what were the considerations that would have weight? Similarity of age, gentleness of disposition, and above all, union of hearts? No; these would be secondary considerations, and the primary would be fortune, birth, connections, and splendour. These were the motives that actuated parents and guardians in their negociations for their children and wards, and these were the causes of all the multiplied varieties of connubial misery. It was to him a plain, simple, and positive maxim, that no person, not even a parent, with all the love and tenderness which he might be supposed to possess, and much less a guardian without those ties, could possibly judge so well for a son, a daughter, or a ward, as the person themselves. We were always the best judges of what was most agreeable to our own dispositions, our own wants, and our own desires in life. In that generous season, which was prohibited by law, the young parties were more likely to judge well for themselves than their parents or their guardians. The one would decide from passion, the other would argue from prudence; and in this respect it was, that, as his hon. friend had with truth and beauty expressed it, "the heart of youth was wiser than the head of age."

Philosophers might argue as they pleased for the prevalence of reason, it was however a fact, which neither moralists nor philosophers could deny, that nature had planted passion in the heart of man for the wisest purposes, both of religion and of life; and it was finely calculated in many cases, to subdue and overthrow reason; to rise superior to its slow authority, and to urge the mind to enterprizes, in which there was at once both danger and delight. Dean Swift had a maxim, in the truth of which he agreed as thoroughly as he ever did in any sentiment or axiom whatever. It was, "that there were two passions in the human heart superior to the government and controul of reason, and which were planted there by a particular Providence, for the preservation of the species; these were, the love of life, and the love of the sexes." The first was of manifest advantage, for were it not for this principle, wrapped round our hearts, and made part of our being, could we, in moments of agony and despair, resist the influence of reason, and her forcible persuasions to annihilation? This love of life made us bear up against the torrent of disaster, and all the evils with which we were doomed to struggle in this world. The love of the sexes had equal operation on our conduct. It rose superior to all the chilling dictates of prudence, and made us hazard that, which, if we were to consult conveniency, safety, and advantage, perhaps we ought with caution to avoid. These principles, then, were wisely planted in our bosoms for the preservation and the happiness of the species; and no human law could possibly destroy or even diminish them.

But it was said—What! shall the indiscretion of an hour, of a moment, of a rash moment of deluded passion, be the means of fixing permanent misery on an unhappy youth, or an unfortunate female, by an unadvised marriage? To this he should answer in few words, and in very express terms, that such was the provision of nature, that when persons entered into the state of wedlock they were doomed to suffer its hardships or to enjoy its pleasures. It was a consequence which the legislature of this country could not by its authority prevent. As well might they attempt by power or by art to overcome all the other dispensations of nature. As well might they say, that it was a melancholy consideration that a female, in consequence of one false step, of one indiscretion, should incur penalties of an excruciating and a permanent kind; that she should be forced to bear about a tedious burthen for nine months, and be subject to all the confinement and pains of pregnancy. True: but it was a law of nature which neither the talents nor the power of man were able to subdue, and which it would be wickedness and presumption to attempt. This was exactly the case in the present instance. The sufferings and enjoyments were the lot of man, and were not to be assumed as a reason for impolitic, unjust, and cruel prohibitions.

Besides, on the principles of Whiggism, the Marriage Act was unjustifiable, and inconsistent with the spirit of our consti-

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tution. The spirit of Whiggism held and declared it as a doctrine of British privilege, that no subject should be forced to obey a law to which he did not give his consent by himself or his representative. This law however, in contradiction to this avowed principle of liberty, erected an arbitrary authority in the parent and the guardian over the child and the ward. He knew that many virtuous men who loved and maintained the principles of Whiggism, from their mistaken zeal for this Act, refused their assent to this argument; and said, "that surely an authority might be securely vested in the parent or the guardian, as they must be conceived to be more capable, from superior reason and intelligence, of judging in this important point for the happiness of those intrusted to their love and care." This was an argument which would certainly apply with as much justice and weight to despotism as to parental authority. It was the argument constantly made use of by tyrants to justify their power. "Why do you attempt to deny me power and despotic sway?" says the king of France, or any other unlimited monarch, "assuredly I will exercise it for your benefit. What! shall ploughmen be left to deliberate and decide on what is best for them? Shall labourers—shall mechanics—shall the lowest and most ignorant of the people be permitted to judge of government? No, they know not what is good for them; place despotic authority in my hands; you may place it with confidence, as it will be exercised with moderation, and you may also be assured, that it will be held and employed only for your good." This was always the delusive and the weak plea for despotism. And what was the answer of those who stood up for the elevation of the species on the basis of just government and common liberty? "No, every man, even the lowest and the most ignorant labourer and mechanic, knows best what is good for him to enjoy, and what is painful for him to suffer. No man can contrive his happiness and his comfort so well as himself, and therefore he will submit to no law in which he has not a voice, either by himself or by his representative." This was the true doctrine of Whiggism, and it applied as fully and effectually in this case, as it did in that of civil government. But it was immediately said, "What! would you permit a boy of 14, and a girl of 12 years of age to judge for themselves? Would you suffer them to yield to the hasty emotions of desire, and marry without the consent of their parents?" In all this stile and train of reasoning, there was the most palpable deception. People argued on this ground, as if there was no interval or intermediate space between the age of 14 and that of 21. By this they endeavoured to divert the mind from the true consideration of the question. If parliament in their wisdom thought it fit that there should be a limitation, let them, in the settling of that restriction, consult the decorum of nature, and take her example for their guide. Let them from observation and experience affix to the right of marriage the period which the general mother of mankind points out for its enjoyment, and not suspend it for seven or eight of the most valuable years in the life of man. He had framed his Bill indeed, without any limitation in this respect; because, being forced himself to undertake the task, he was under the necessity of framing it agreeably to his own inclinations and sentiments on the subject; but though he thought that there should be no restriction whatever as to the time of marriage, he was not so bigoted to his opinion on this part as to resist the sense of the House, and would be ready to hear the opinions of gentlemen on this topic.

But there was another argument against this restriction, which, in his opinion, was of a very strong nature, and with which he could not by any means reconcile the conduct of the legislature in passing the Marriage Act. The established religion of the land, the religion which they all respected and professed, that of Protestantism, did not admit of celibacy in any degree. It denied marriage to no human being, but considered it as a divine institution for the wisest purposes, which ought to be encouraged, nor retarded by the laws of society. Could the legislature then, agreeably to the solemn constitution under which they had their authority, consistent with the oaths which they had taken, and with every obligation, moral and political, could they presume to alter or to innovate the religion of the kingdom? Could they graft the inconvenient branches of Popery on the trunk of Protestantism? No. The religion of the land in all its parts was sacred, and they had it not in their power to deprive their fellow subjects of one right enjoyed under the dispensations of that religion. What

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did the Marriage Act do? It established celibacy for a considerable part, and that too, as he had said, the most valuable part of the life of man, unless he should submit to the authority inconsistent with human freedom and with British rights. Celibacy even for a time, when enjoined by arbitrary mandate, was contrary to our religion; the wise and the pure policy of which was to invite the species to matrimony, as the most expedient and the happiest means of intercourse in society and of population on the earth. It wisely foresaw that no human institutes could possibly counteract the great purposes of nature, and seeing that the love of the sexes would promote their intercourse, it wisely and properly appointed the ceremony of marriage, and it confined it to no description of persons, but extended it freely and fully to all. It was his sincere opinion, that the population which took place in the world without marriage was inconvenient to a country, and never answered the purposes of general increase. The reasons were obvious to every common observer; and, in a stile of the descriptive, which we are not able to imitate nor to report, he drew, and exhibited a couple in a state of connubial industry and felicity, and again the same couple in a state of illicit debauchery and misery. The comparison had all the beauties of truth and all the energies of eloquence.

In that generous season, said he, which this Marriage Act labours and intends to blast, a young man, a farmer, or an artisan, becomes enamoured of a female, possessing, like himself, all the honest and warm affections of the heart. They have youth, they have virtue, they have tenderness, they have love—but they have not fortune. Prudence, with her cold train of associates, points out a variety of obstacles to their union, but passion surmounts them all, and the couple are wedded. What are the consequences? happy to themselves and favourable to their country. Their love is the sweetener of domestic life. Their prospect of a rising family becomes an incentive to industry. Their natural cares and their toils are softened by the extacy of affording protection and nourishment to their children. The husband feels the intice-ment in so powerful a degree, that he sees and knows the benefit of his application. Every hour that he works brings new accommodations to his young family. By labouring this day, he supplies one want, by labouring another, he imparts one conveniency or one comfort; and thus, from day to day, and week to week, he is roused into activity by the most endearing of all human motives. The wife again, instigated by the same desires, makes his house comfortable, and his hours of repose happy. She employs what he earns with œconomy, and while he is providing food and raiment for his children, she is busied in the maternal cultivation of their minds, or the laudable exertion of their young hands in useful labour. Thus while they secure to themselves the most sober and tranquil felicity, they become by their marriage, amiable, active, and virtuous members of society.

View the same couple in another light. Bound together in heart by the most ardent desires, and incited by their passion to marry without having any great prospect before them, their parents intervene, they are not arrived at the age of 21; under the authority of the Marriage Act, their parents prevent their marriage. They restrain them from committing, agreeably to this law, the crime of matrimony without their consent:

"Sed metuere patres quod non potuisse vetari."

They may restrain them from marriage, but they have it not in their power to prevent their intercourse. The couple, restrained in their desire of marriage, with a transition as natural as it is easy, give way to their inclinations, and a connection ensues, in which there is more of indiscretion than of guilt. What are the consequences? Enjoyment satiates the man and ruins the woman; she becomes pregnant; he, prosecuted by the parish for the maintenance of the child, is initiated in a course of unsettled pursuits and of licentious gratifications. Having no incitement to industry, he loses the disposition, and he either flies the place of his residence, to avoid the expence of the child, or he remains the corrupter and disgrace of his neighbourhood. The unhappy female, after suffering all the contemptuous reproach of relations and all the exulting censure of female acquaintances, is turned out of doors, and doomed to struggle with all the ills and difficulties of a strange and a severe world. The miserable wanderer comes to London, and here, after waiting, perhaps, in vain, to procure some hospitable service, in which she might be able to retrieve or conceal her misfortune, she is

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forced, much oftener by necessity than inclination, to join that unfortunate description of women, who seek a precarious subsistence in the gratification of loose desire. Good God! what are the miseries that she is not to undergo! what are the evils that do not result to society! but above all, what must be the consolation of that legislature, who, from pride and avarice, are mean enough to inflict such misfortunes on their country!

The hon. gentleman said, that these observations went chiefly to that part of the Act, which prohibited persons from marrying before the age of 21, without the consent of parents or guardians. He had very determined objections to this clause; but it was not the part to which he principally objected. The nullity was the abominable part of the Bill, to which he could never by any means be reconciled. In a variety of the most forcible arguments he shewed the fatal consequences that must result from this provision. The inconveniences and calamities that must be felt by families, in the loss of reputation and of fortune, he had pointed out on a former day. He had shewn, that, under the profligate cruelty of this law, the unhappy children of marriages not solemnised agreeably to all the restrictions of this law, might be disturbed in their succession, and bastardised by a decision of the courts of Westminster, years, or perhaps generations, after the time. In the law of inheritance, a prescriptive possession for 60 years quieted all other claims; but here there was no prescription, and consequently there would and could be no security. After a family had been in the unmolested possession of an estate for 500 years, (and at some time the Act will have lasted so long) a flaw may be traced in the ceremony of an ancient marriage, and, though generations have intervened, the possessors may be driven from the estates. This was an evil of the most serious magnitude, against which the legislature could not too carefully provide. Even those great families of the aristocracy, who were induced from pride and avarice to make and support this Act, might one day be brought to feel the danger of counteracting the dispensations of nature, by suffering the consequences.

The greatest argument that had ever been advanced in favour of this nullity was, that indifferent young men and women should not be doomed to suffer, to the end of their lives, the consequences of one hasty act of passion. Then, examining the law on this ground, what did it do? It provided relief for the consequences of one passion of the most amiable nature, the passion of love; but it removed the possibility of conquering the effects, or of atoning for the rashness of other passions, the base passions of pride, anger, and avarice. A young couple, not yet arrived at the age of 21, induced by the strong, virtuous, and generous passion of love, marry without the consent of their parents. The parents, who have other ideas of happiness than those which are centered in love, are inflamed with mean and mercenary resentment, and in the violence of this bad passion, they procure the marriage to be declared null and void. The young couple, happy in themselves, overlook the disappointment of fortune, and amidst a beautiful progeny, doomed though they are to the shame and the penury of bastardy, experience all the delights which a marriage of the heart is calculated to bestow. But what is the fate of the miserable misguided parents? Their resentment having given way to time, their passions of pride, avarice, and anger, having softened into parental tenderness and forgiving contrition; seeing their children happy, and surrounded by a numerous offspring, they relent, and are anxious to undo what they have done, but in vain; in one rash, violent fit of passion, they have made the marriage null and void, and bastardised the issue, and now no human power can make them otherwise. They may repent, but they cannot atone for their guilt. They may die with the miserable reflection, that by their unfeeling conduct their children's children will be deprived of their just rights, but they cannot live to prevent it, or to make them amends. Such, then, has been the wise foresight and the generous guardianship of parliament: they have provided a remedy for the indiscreet exercise of an amiable passion, but they have taken care to prevent the possibility of remedying or of atoning for the rash and unjust violence of a bad passion. The errors of the son are to be suffered for a day; the guilt of the parent is to endure for ever.

The hon. gentleman dwelt with great energy on several of the calamities to be suffered by this provision of rendering the marriage null and void, and said that there was no alleviation of the consequences to

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be procured, nor any remedy, as the Act now stood. He particularly adverted again to the argument urged by Mr. Ambler, that property was a natural right, and ought to be considered in settling an union between the sexes. He abhorred the idea of making property a consideration in wedlock, and of assuming artificial distinctions in this respect as an obstacle and objection to union. He mentioned the recent case of a right honourable couple which had come before the Lord Chancellor, (he meant the case of lord William Gordon and the hon. Miss Irwin); when that decision was made, he confessed he was at first tempted, notwithstanding the reverence which he had for his eminent abilities and integrity, to blame him for the doctrine which he held, but he was taught to consider the decision which he made, as the result of the Act. He was not the guardian of the lady; there was only vested in him, by means of this Act, a sort of guardianship with respect to the property of the lady. The example served, however, to convince him of the extreme absurdity of such a mode of deciding on the propriety and impropriety of an union. That a person, whose habits and employment in life, chiefly confined as they were to Chancery suits, should be appointed as the arbiter of matrimony, and that men and women should be brought before him, that it might be argued and debated whether 900*l.* a year was a proper match for 1500*l.* a year; and whether 500*l.* a year on the one side; and 700*l.* a year on the other, with some advantages on this side, and some disadvantages on that side, were fit matches for each other; and these should or ought to be considerations for preventing the alliance of two rational beings, whose happiness was to consist in their attachment to each other in the mind, and not in their casual situation with respect to fortune, was to him the most absurd and the most ridiculous doctrine that could possibly be imagined. He fully believed that the Lord Chancellor had upon that occasion done his duty in following the dictates of the law in the case he had mentioned; but it was an argument which ought to convince the House that such a power ought not to be established, since in fact it went to make marriage a mere matter of calculation, which a grave, rigid lawyer, who having gained the bench of a court of law, may be supposed to have got the better of the passions and sensibilities of love, might decide with truth and accuracy. He wished to rescue matrimony from the disgrace of being a scheme of traffic, and to restore it to its just dignity, nature, and end, an alliance of love, of sentiment, and of sympathy.

He took notice of a circumstance which he had forgot to mention before; but though it was out of place, it would not be out of season, and that was, that when guardians stood up in opposition to the marriage of their wards with the men of their hearts, they generally did it from motives of personal interest, and they seldom failed of producing the purposes which they had in view; for by preventing their marriage they generally induced them to wed some friend or relation of their own, for the sake of their fortune, to the ruin perhaps of their peace and tranquillity for life. The hon. gentleman, after many other arguments of the most admirable nature, came to a conclusion, and said, that, being unwillingly made the person to whom the task was committed of introducing this Bill into the House, he had framed it agreeably to his own desires, which were undoubtedly for the total repeal of every part of the Marriage Act, except the register. But as he knew well the force and effects of prejudice on the human mind, that in time it became a part of our nature, and was too powerful either for the force of reason or of truth to overcome, he was willing to abate a great deal of what was proper, in order to secure what was practicable. He wished to hear the sentiments of gentlemen on the subject; to receive their assistance; to be instructed how it might be modified in such a manner as to conciliate itself to the severe prejudices of the other House, that at least a part, if not the whole, of the evils might be overcome. He was particularly anxious to take away the nullity. If that could be effected, which was the most material in its consequences, he should not be so strict and eager about the period of limitation. At the same time he declared, that if he failed, he should not despair; he would watch times and seasons, and he pledged himself that if ever he observed a moment favourable for the repeal of the Act, he would embrace it, in the persuasion that the parliament of this country could not long remain so absurd or so ignorant as to give their support to such a law.

Earl *Nugent* feared, from the lateness of the season, that there might be ground

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for the Lords to object to the Bill. He could have wished it to come on at another season, but come on when it would, he could not so belie his principles as to be silent upon the subject. He saw three different classes for whom it was necessary legally to provide a remedy; those, whom the deficiency of the law had, which was now the case, unmarried; those who by accident were married without all the necessary formalities, and who consequently were liable to be unmarried; and those whom the guilt of their husbands had unmarried: these there ought to be an immediate remedy for; and if there was not, the present Act would be deficient; for of all the injuries to which this Act was liable to give rise, none in his opinion was so bad as this, that a young fellow when under age might marry an unsuspecting girl, and when he came of age abolish the union by law, after he was tired of the possession. Should a Bill be provided without being general? Yet this had been the case of the Marriage Act; for it never thought to preserve Jenny or Molly with her twenty guineas clinking against a silver thimble; its only attention was to lady Jenny or lady Mary.

Mr. *Burke* said:*

This Act [the Marriage Act] stands upon two principles; one, that the power of marrying without consent of parents should not take place till twenty-one years of age; the other, that all marriages should be public.

The proposition of the hon. mover goes to the first; and undoubtedly his motives are fair and honourable; and even in that measure, by which he would take away paternal power, he is influenced to it by filial piety, and he is led into it by a natural, and to him inevitable, but real, mistake, that the ordinary race of mankind advance as fast towards maturity of judgment and understanding as he does.

The question is not now, whether the law ought to acknowledge and protect such a state of life as minority; nor whether the continuance, which is fixed for that state, be not improperly prolonged in the law of England. Neither of these in general are questioned. The only question is, whether matrimony is to be taken out of the general rule, and whether the minors of both sexes, without the consent of their parents, ought to have a capacity of contracting the matrimonial, whilst they have not the capacity of contracting any other, engagement. Now it appears to me very clear, that they ought not. It is a great mistake to think, that mere animal propagation is the sole end of matrimony. Matrimony is instituted not only for the propagation of men, but for their nutrition, their education, their establishment; and for the answering of all the purposes of a rational and moral being; and it is not the duty of the community to consider alone of how many, but how useful, citizens it shall be composed.

It is most certain, that men are well qualified for propagation long before they are sufficiently qualified even by bodily strength, much less by mental prudence, and by acquired skill in trades and professions, for the maintenance of a family. Therefore to enable and authorise any man to introduce citizens into the commonwealth, before a rational security can be given that he may provide for them, and educate them as citizens ought to be provided for and educated, is totally incongruous with the whole order of society. Nay, it is fundamentally unjust; for a man, that breeds a family without competent means of maintenance, encumbers other men with his children, and disables them so far from maintaining their own. The improvident marriage of one man becomes a tax upon the orderly and regular marriage of all the rest. Therefore those laws are wisely constituted, that give a man the use of all his faculties at one time; that they may be mutually subservient, aiding and assisting to each other; that the time of his completing his bodily strength, the time of mental discretion, the time of his having learned his trade, and the time, at which he has the disposition of his fortune, should be likewise the time, in which he is permitted to introduce citizens into the state, and to charge the community with their maintenance. To give a man a family during his apprenticeship, whilst his very labour belongs to another; to give him a family when you do not give him a fortune to maintain it; to give him a family before he can contract any one of those engagements, without which no business can be carried on, would be to burden the state with families without any security for their maintenance. When parents themselves marry their children, they become in some sort security to prevent the ill conse-

* See Burke's Works, vol. 10, p. 135.

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quences. You have this security in parental consent; the state takes its security in the knowledge of human nature. Parents ordinarily consider little the passion of their children, and their present gratification. Don't fear the power of a father; it is kind to passion to give it time to cool. But their censures sometimes make me smile; sometimes, for I am very infirm, make me angry; 'sæpe bilem, sæpe jocum movent.'

It gives me pain to differ on this occasion from many, if not most of those, whom I honour and esteem. To suffer the grave animadversion and censorial rebuke of the hon. gentleman, who made the motion; of him, whose good nature and good sense the House look upon with a particular partiality; whose approbation would have been one of the highest objects of my ambition; this hurts me. It is said, the Marriage Act is aristocratic. I am accused, I am told abroad, of being a man of aristocratic principles. If by aristocracy they mean the peers, I have no vulgar admiration, nor any vulgar antipathy, towards them; I hold their order in cold and decent respect. I hold them to be of an absolute necessity in the constitution; but I think they are only good when kept within their proper bounds. I trust, whenever there has been a dispute between these Houses, the part I have taken has not been equivocal. If by the aristocracy, which indeed comes nearer to the point, they mean an adherence to the rich and powerful against the poor and weak, this would indeed be a very extraordinary part. I have incurred the odium of gentlemen in this House for not paying sufficient regard to men of ample property. When, indeed, the smallest rights of the poorest people in the kingdom are in question, I would set my face against any act of pride and power countenanced by the highest, that are in it; and if it should come to the last extremity, and to a contest of blood, God forbid! God forbid!—my part is taken: I would take my fate with the poor, and low, and feeble. But if these people came to turn their liberty into a cloak for maliciousness, and to seek a privilege of exemption, not from power, but from the rules of morality and virtuous discipline, then I would join my hand to make them feel the force, which a few, united in a good cause, have over a multitude of the profligate and ferocious.

I wish the nature of the ground of repeal were considered with a little attention. It is said the Act tends to accumulate, to keep up the power of great families, and to add wealth to wealth. It may be that it does so. It is impossible that any principle of law or government useful to the community should be established without an advantage to those, who have the greatest stake in the country. Even some vices arise from it. The same laws, which secure property, encourage avarice; and the fences made about honest acquisition are the strong bars, which secure the hoards of the miser. The dignities of magistracy are encouragements to ambition, with all the black train of villainies, which attend that wicked passion. But still we must have laws to secure property; and still we must have ranks and distinctions and magistracy in the state, notwithstanding their manifest tendency to encourage avarice and ambition.

By affirming the parental authority throughout the state, parents in high rank will generally aim at, and will sometimes have, the means too of preserving their minor children from any but wealthy or splendid matches. But this authority preserves from a thousand misfortunes, which embitter every part of every man's domestic life, and tear to pieces the dearest ties in human society.

I am no peer, nor like to be—but am in middle life, in the mass of citizens; yet I should feel for a son, who married a prostituted woman, or a daughter, who married a dishonourable and prostituted man, as much as any peer in the realm.

You are afraid of the avaricious principle of fathers. But observe, that the avaricious principle is here mitigated very considerably. It is avarice by proxy; it is avarice, not working by itself, or for itself, but through the medium of parental affection, meaning to procure good to its offspring. But the contest is not between love and avarice.

While you would guard against the possible operation of this species of benevolent avarice, the avarice of the father, you let loose another species of avarice; that of the fortune-hunter, unmitigated, unqualified. To show the motives, who has heard of a man running away with a woman not worth sixpence? Do not call this by the name of the sweet and best passion—love. It is robbery; not a jot better than any other.

Would you suffer the sworn enemy of his family, his life, and his honour, possibly the shame and scandal, and blot of human

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society, to debauch from his care and protection the dearest pledge that he has on earth, the sole comfort of his declining years, almost in infantine imbecility; and with it to carry into the hands of his enemy, and the disgrace of nature, the dear-earned substance of a careful and laborious life? Think of the daughter of an honest virtuous parent allied to vice and infamy. Think of the hopeful son tied for life by the meretricious arts of the refuse of mercenary and promiscuous lewdness. Have mercy on the youth of both sexes; protect them from their ignorance and inexperience; protect one part of life by the wisdom of another; protect them by the wisdom of laws, and the care of nature.

The House divided:

Tellers,

Yeas	Mr. Fox Lord Mahon	90
Noes	Mr. Jolliffe Mr. Ambler	27

The Bill was then read a second time.

June 20. The House being in a Committee on the Bill,

Mr. *Fox* moved a clause, by which persons were declared marriageable without the consent of parents and guardians, at the ages, the woman of 16, and the man of 18, and that all marriages solemnized at an earlier age of each of the parties should be null and void. He said, his own opinion was so strong against fixing the age so high, and in favour of fixing it much earlier, that he could not divide in support of his own motion, should the sense of the committee be taken upon it, but that he bowed to the prejudices of mankind, and merely from a hope that by paying so much respect to them he should secure the safety of his Bill, he had consented to introduce the clause he had moved, and respecting the fate of which the committee would determine as they thought proper.

Lord *Mahon* said he would move as an amendment, to alter the ages to 18 the woman, and 21 the man.

Mr. *Dunning* said, he should vote both against the clause and the amendment, because he thought them both wrong. He was for suffering young women to marry at 15, declaring, that they were as ripe for marriage then as at a more advanced age.

Mr. *Fox* shewed his learned friend that, according to his clause, it was those only who married without consent of guardians that were to be restrained till the man was eighteen and the girl sixteen. Under the Marriage Act, young folks marrying with consent of parents and guardians might marry as early as his learned friend wished. He said farther, that it was to rescue the young ladies from the influence and tyranny of guardians and parents that he chiefly wished to introduce this clause. If the committee would agree that young ladies might be marriageable at an earlier age, he had no objection to enact that the young men should wait longer.

Lord *Beauchamp* called the attention of the House to the scandalous manner in which licences were procured. He said the custom was, for either of the parties to go to Doctor's Commons: that the business was generally left to a proctor's clerk, who acted only ministerially, and must swear the parties, without any power to examine into the truth of what they swore: that thus a young woman would make an affidavit that the young man to whom she was going to be married, was of age, and he would do the same, *vice versâ*. So that perjury was frequently committed, and then some time after the marriage, if either party repented, they had nothing to do but to prove that one of them was not of age when married, and the marriage was instantly annulled. Thus perjury was first committed, and a mockery was afterwards made of a most serious ceremony. His lordship wished that marriage could be put under some such regulation as matters of property. If an estate had been in the quiet possession of his family for sixty years, he was pretty sure it would descend to his heir, but if he had been married ever so long, how could he be assured but that a hundred years hence, it would be discovered, that his marriage was informal in some particular; as had lately been the case with regard to some thousands of marriages, to legalize which he had lately carried a Bill up to the other House of Parliament? He hoped to see a clause introduced, that every marriage which had been solemnized for a limited time, should be declared legal on that account only, and should not remain, as it now was, liable to impeachment, and to be nullified, whenever an error in formality was discovered.

Mr. *Fox* declared, that among the various evils originating from the Marriage Act, the encouragement to perjury stated by the noble lord was not the least.

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Mr. *Courtenay* argued in favour of lord Mahon's amendment. The great view of the Bill, he conceived to be, to encourage population; he shewed from reasoning, both physical and metaphysical, that it would have an opposite effect, if young men were allowed to marry so early as 16. He quoted Rousseau in support of his argument, and contended, that if young women married so early in life, they bore children almost immediately, which impaired the mother's health, and weakened her constitution so much that she left off child-bearing very soon, and thus the desired end, the encouragement of population, was defeated. He reprobated the Marriage Act, and said, he never heard of any law having so pernicious an effect as that stated by the noble lord, who had spoken last but one; for it appeared, that if the parties committed perjury, they could be married, which was what they wanted, and if they afterwards told the truth, the marriage was dissolved.

Mr. *Turner* said he need not quote Rousseau; it was enough for him to quote his own grandmother, who had six children by the time she was twenty. He spoke strongly in favour of unrestrained marriages.

Earl *Nugent* stated the case of a man who lived near his house, and who had three big bellies laid to him at one time, each of the females claiming a promise of marriage; at last, he said, he himself paid for the licence for one of them, and the thirty shillings carried the election, the man marrying the one for whom he had purchased the licence. He imputed this, and the various fornications practised by footmen and maid servants, all to the clause in the Marriage Act, which ordained that banns should be proclaimed three Sundays.

Mr. *Sheridan* said, gentlemen were so inveterate against the Marriage Act, that in the heat of their zeal they seemed to argue as if that Act was designed to prevent marriages, when it was undoubtedly true that to encourage marriages of a regular and proper sort, was its real aim and intention. His hon. friend, who brought in the Bill, appeared not to be aware, that if he carried the clause, enabling girls to marry at 16, he would do an injury to that liberty of which he had always shewn himself the friend, and promote domestic tyranny, which he could consider only as little less intolerable than public tyranny. If girls were allowed to marry at sixteen, they would, he conceived, be abridged of that happy freedom of intercourse which modern custom had introduced between the youth of both sexes, and which was, in his opinion, the best nursery of happy marriages. Guardians would, in that case, look on their wards with a jealous eye, from a fear that footmen, and those about them, might take advantage of their tender years and immature judgment, and persuade them into marriage, as soon as they attained the age of 16. In like manner, young men, when mere boys, in a moment of passion, however ill-directed, or perhaps in a moment of intoxication, might be prevailed upon to make an imprudent match, and probably be united to a common prostitute. He was ready to admit, that the Marriage Act had some absurd clauses in it, but he could not agree, that the whole of that Act was so impolitic, or so productive either of mischief or of inconvenience, as to stand in need of a total repeal.

After some further conversation, the Committee divided: For Mr. Fox's Motion, 36: For lord Mahon's Amendment, 7.

June 27. On the order of the day for the third reading of the Bill,

Sir *William Dolben* said, that though he was an enemy to the Marriage Act, and considered the restrictions laid upon the sexes as exceedingly unadvised and detrimental, yet he was afraid that the House was now going too far. If the Marriage Act was too severe, the present Bill was too loose, and gave more liberty than persons of the green age stated in the clauses ought to be indulged with. The consequence would be precipitancy of marriage, and all the train of licentious evils arising therefrom. He expressed a wish that some greater restriction were imposed on clergymen, to deter them from marrying young couples without due regard to the forms prescribed by law.

Lord *North* said, the Marriage Act had produced the most beneficial consequences to the kingdom, by putting an end to that monstrous abuse of marriage which prevailed at the time when the Marriage Act passed; but some of the evils which the Marriage Act put an end to would revive again. He went into a discussion of the different clauses of the Bill, and objected to them severally. In respect to that which limited the age of the sexes, the women to sixteen, and the men to eighteen,

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he saw no reason whatever for it; and thought, if the Marriage Act was to be affected with regard to the particular clause of age, it would be better to repeal the clause altogether than to cut off three years of the time limited by the law as it now stood. He observed that 21 was the age at which the law declared men to be capable of taking the direction of their own estates, and he saw no reason why they should be supposed capable of determining with propriety upon their marriage earlier. It had been objected to the Marriage Act, that it was liable to evasion because Scotland was not bound by it, and people had an opportunity of exercising free marriage by taking a jaunt to the North. In respect to that, his lordship said, the Act was defective in a particular, which he considered as the least important and the least necessary of all its various objects. The idea of marrying house to house, and estate to estate, merely for the purpose of accumulating riches, he was as much averse to as any gentleman present. He knew perfectly well, that happiness was not dependent upon wealth alone, and therefore he did not wish to have the ceremony of marriage at all governed by sordid considerations. Besides this, marriages solemnized in Scotland, could not be said to be marriages of a sudden, or concerning which the parties had not sufficient time to consider the consequences. He therefore had not the least objection to the case remaining as it did with regard to Scotland, but he could not by any means think that the Marriage Act ought to be repealed in that degree, which the present Bill, if passed into a law, would repeal it. His lordship added a variety of other reasons against the Bill, and said he could not give his consent to any measure, against which his judgment went so completely as in the present instance.

Mr. *Fox* said, the objections he had heard stated that day were so perfectly new, that he could not be silent, but must say a word or two in answer to what had been thrown out, both by the hon. baronet behind him, and the noble lord in the blue ribbon. And first, he could not but observe, that it was a little extraordinary that they should have reserved their objections till the present moment. Various opportunities had offered for opposing the Bill, but in all the debates that had occurred upon the subject, neither the noble lord nor the hon. baronet had thought proper to use one of those arguments which the House had just heard. The hon. baronet had been pleased to attack his Bill, by saying that the clause which allowed of early marriages would encourage licentiousness. This he could not but consider as a very singular objection; early marriages might be liable to objection on the score of impropriety or imprudence, or indeed on any other score than that which the hon. baronet had thought proper to mention; for undoubtedly, if he had looked the dictionary through, he could not have picked out a word so little applicable to a clause encouraging early marriage, as the word 'licentious.' With regard to what the noble lord had said on the ground of the clause, which limited the age of persons capable of marriage to sixteen and eighteen, he was ready to agree, that it would have been better to have made no limitation whatever, but to have repealed the clause in the Marriage Act altogether. That had ever been his opinion, but in deference to the judgment of other persons, he had consented to the limitation as it now stood. The noble lord had talked of the good effects of the Marriage Act; he would not say, but there might have been occasion for some regulation respecting those marriage shops which were so common in every part of London when that Act passed, but then considering the Act altogether, he was confident there never was an Act more offensive to general liberty, more inimical to population, nor more odiously aristocratical. It had been made an argument, that the Marriage Act had been effectual, and this argument had even been insisted on in the present session, when a Bill was pending in the other House to remedy an evil arising under the Marriage Act, and which that Act, it was notorious, had been found incapable of preventing. It was evident, from that instance, that the Marriage Act was ineffectual; and what was the purpose of the Bill at that time in the other House? It was merely this; the Marriage Act having been proved incapable of its intended operation to prevent doubtful marriages, that Bill wisely took away its other and more odious power, the power of punishment where doubtful marriages had taken place. The Marriage Act therefore was no longer to be boasted of as an adequate preventative. It had been found to be ineffectual in its best and most just object, and what he wanted by his Bill was, to take away its worst object, that of inflicting merciless punish-

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ment. As the Act now stood, the law respecting marriage in Great Britain contradicted the religion of the country. The Marriage Act was totally inconsonant with the genius of the people, and was opposite to every principle of our constitution. He wished therefore to make the law of marriage conformable to our religion, and to remove those fetters, which an arbitrary, unnatural, and aristocratical statute had imposed on the minds of the youth of both sexes. The noble lord had said, that marriage was still free in Scotland, and that marriages there solemnized could not be said to be precipitate marriages, or marriages not sufficiently considered; surely the noble lord forgot, that when they talked of Scotland, they must consider it as it stood relatively with regard to the geography of all England. Though it must necessarily take some time to go from London or Middlesex to Scotland, certainly the case was otherwise with regard to the counties of Cumberland and Northumberland, and the persons resident therein. After arguing this for some time, he said the Marriage Act was not merely odious in his eyes, but odious in the eyes of the bulk of the people without doors. It ever had been so, and it was impossible it should be otherwise; on the present occasion, he flattered himself, he should divide with a majority against the noble lord's opinion, and that for this reason; the House rarely failed to speak the sense of the people at large, whenever a question came before them upon which they could vote freely, and where none of those considerations mixed in the business, which were supposed to influence men's minds on points where politics interfered.

Sir *W. Dolben* observed, that the hon. gentleman, the patron of the Bill, had said, if he had looked the dictionary through he could not have found a word so little applicable to the clause authorising early marriages, as the word 'licentiousness.' It happened a little unfortunately for the hon. gentleman who made this remark, that he never had applied the word 'licentiousness' to the clause in question. What he had said was merely to suggest, that if the clause passed as it stood, precipitancy of marriage would be the inevitable consequence; and in many cases, that would be the source of much serious inconvenience.

Lord *Mahon* said, he meant on the third reading to move two or three amendments, that would alter the clauses to which gentlemen seemed most to object; and he gave notice of his intention then, in order that those who approved of the principle of the Bill, but nevertheless disliked particular clauses, might still vote for the third reading.

The House divided: Yeas 75; Noes 43. The Bill was then read a third time.

Lord *Mahon* moved, that the ages stated as the proper period for marriage, be altered from 16 and 18, to 18 the woman, and 21 the man.

Lord *Beauchamp* strenuously opposed the amendment. The House, he conceived, had acted a most laudable part, in endeavouring to emancipate the people from the operation of an Act, which was not only extremely oppressive in many particulars, but also extremely absurd in others. Nothing could be more absurd, than making 21 years of age the period, at which both the sexes should have a right to marry according to their own will and inclination. Common sense shewed that there ought to be a difference between the ages of the man and of the woman, and he appealed to the usage of the world, whether, if a good match offered, a father would refuse to accept it because of his daughter's nonage? He said, from the age of 16 to the age of 18 were the two best years of a woman's life: for that therefore, and for various other reasons, he hoped the House would not adopt the amendment.

The Amendment was negatived.

Lord *Mahon* proposed a second, which was, that to the clause enacting, that if a marriage should continue unquestioned for five years, it should be legal, there should be added, "or during the life of the parties." This was adopted. He then offered a third, namely, changing the term of five years, stated in the Act, as the time of cohabitation after marriage, which should bar enquiry into the forms of that marriage, to 20 years cohabitation; and he justified this amendment by stating, as a possible case, that a man might be married at an ale-house when he was drunk, and know nothing of it the next day. In which case, such a man's marrying again would be an act of felony, and all the children by the second marriage would be bastards. His lordship recommended this motion to the attention of the young members; because, he said, they were most likely to fall into the predicament he had described; and to the old members, because he trusted their wisdom and experience would teach them, that the case he

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had stated, was likely to happen, and ought to be guarded against.

Mr. *Fox* opposed the amendment, though he owned he saw that what the noble lord had said, was within the scope of probability. But upon a case barely possible, he could not think it became parliament to adopt such an amendment.

The Amendment was negatived. The Bill was passed and carried up to the Lords, by whom it was rejected on the motion for the second reading.

Debate in the Commons on the Public Accountants' Bill.] June 11. On the motion for going into a committee on the Bill for paying into the Exchequer the Balances in the hands of Public Accountants,

Mr. *T. Townshend* desired to be permitted to give his reasons why the House should not in his opinion go into the committee, nor proceed farther in the Bill; or if they did go into a committee, to shew them why some clauses should be inserted which had not been thought of by the noble lord in the blue ribbon. It might be imagined that being a public accountant himself, he was interested in the rejection of the Bill. He assured the House that he was not, and that for this reason: his balance amounted to the small sum of 12 or 13,000*l.*; and this sum he had deposited in the Bank of England long since, there to remain till he could get his accounts passed. He had never made the least advantage of the balance that remained in his hands, either by having it at interest or otherways, nor would he ever do so. To him, therefore, it was a matter of the most perfect indifference, whether the sum was to be paid into the Exchequer the next day, or on that day ten years. He had been frequently praised; and as often laughed at on this account. Some gentlemen had called his conduct disinterested, and others silly. Sincerely to speak his own opinion, he did not think that he deserved either the one or the other. He had done what he thought his duty, and no more; nor did he state the circumstance now to gain any credit from it. He laid claim to none. It was merely a matter of opinion, and he did not mean in the least to insinuate any thing against those accountants, who, from entertaining a contrary opinion, had acted in a different manner. The sole reason of his mentioning it was to convince the House, that what he should say against the present Bill did not arise from interested motives; and that he was perfectly unconcerned as to its operation with respect to himself; he spoke for others; for public accountants, their representatives, and descendants, who were not there to speak for themselves; whose families might be deeply injured if the Bill should pass without some provision being made to save them from the impending danger. A public accountant, he observed, was a man the most unfortunately circumstanced of any officer in the public service. If he went out of office, it was not in his power to force the officers of government to pass his accounts, and grant him a quietus; it lay entirely with them, and though he should use the utmost dispatch in expediting his accounts, still they might delay to pass them. He of consequence lay at the mercy of the auditors of the Imprest and Treasury. What was the consequence? In his own case, if he wished to sell an estate, where was his title? He could not dispose of any part of his property, because he could not execute a conveyance sufficient to save the purchaser from an extent of the crown. The Bill took away the very feeble security remaining to a public accountant, that his accounts might be past at all; while a large balance remained in his hands, the lords of the Treasury had a stimulus to quicken them, because as matters stood at present, the balance could not be obtained till those accounts were settled. But should this Bill pass, the case would be different; then, a public accountant would be deprived of his only security, and he would have no chance of obtaining his quietus. Let the House consider what a dreadful situation the family of a public accountant would be in when he happened to die, and his affairs fell into the hand of representatives perfectly ignorant of the nature of his accounts; in such a case, they might be harassed with extents, and the whole fortune of the accountant would lie at the mercy of administration. Such was the situation of a public accountant, and he well remembered the extreme anxiety felt by the late earl of Chatham before he could obtain his quietus, which was in the year 1769, thirteen years after he had been paymaster.—He reprobated the Bill, as a violent measure of a negligent, indolent minister. He said it was the only proposition which the noble lord in the blue ribbon had founded on the reports of

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those commissioners named by himself, under a commission snatched out of the hands of another person, in an indecent, he had almost said an ungentleman-like manner. What had those commissioners done more than the noble lord, as first lord of the Treasury, could have done without their assistance? They had stated the balances in the hands of the public accountants; the noble lord knew them before, nay, they were upon the table of the House; the noble lord knew that when a public accountant went out of office, process after a certain time issued against him; the account of his balance was delivered over to the Remembrancer for the crown, from him to the board of Treasury, whence his accounts, when made up, were sent to the auditors of the Imprest. What need, then, of appointing, in an unconstitutional manner, commissioners who were not members of parliament, to examine public accounts, which any body might examine; and what occasion was there to direct their attention to those accounts, the state of which was already known? The great evil and the sole ground of complaint was the slow, dilatory manner in which public accounts were past and settled: that should have been the object of the commission, and not the trifling enquiries to which the noble lord had directed them; but it was evident the noble lord, conscious of his indolence, conscious of his neglect, framed the commission, and pointed the enquiries of the commissioners to trivial objects, merely to screen his own conduct.

Mr. *Fox* said, his hon. friend had gone so fully into the subject, and had touched upon so many of the points he meant to have spoken to, and which he should have argued in the same manner, that it would be needless for him to go so much at large into the consideration of the Bill as he had intended. Some things, however, concerning himself immediately, he must take that occasion of speaking to; but first, he could not help telling his hon. friend, that he appeared to him to have spoken rather thoughtlessly, when he had informed the House, that he was by no means personally concerned or interested in the present Bill, because undoubtedly his hon. friend, being, like himself, a public accountant, he held his estate, his fortune, every shilling of property he had in the world, at the mercy of government; a predicament, in which, he conceived, no man could stand, and feel himself either unconcerned or contented. As one of the executors of the late lord Holland, he was in some degree a public accountant; he felt therefore for himself, and he felt for his nephew, the present lord Holland, and for others of his family, who, while the accounts of his father remained unpassed, could make no transfer of property of any kind; and whether they should ever be enabled so to do, must, if the Bill passed, depend altogether on the kindness of government. Perhaps he had no more estates himself to sell, but he felt for those who had bought those estates of him, which he had enjoyed under his father's will; because the title to those estates was and must be a precarious one till the accounts to which he had alluded had passed, and he and the other executors and representatives of his father had obtained a quietus. He put the case of any person offering to sell an estate on the part of his nephew. Who would buy it? The person to whom it should be offered would naturally say, "Why, lord Holland was a public accountant, and his accounts are not yet passed;" "No matter (the reply would be) lord Holland's balance is but 400,000*l.* and that is ready to be paid in whenever his accounts are passed, which it is expected will soon happen." Would it not be likely, that the person to whom the purchase should be proposed, would answer to this; "You talk of a balance of 400,000*l.*; lord Holland had forty millions to account for, and how do I know, when the account comes to be settled and passed, but that the balance may turn out to be four millions, and that this estate, if I purchased it, may be seized by an extent?" In this way, said he, will men reason till the accounts are passed; in what light then, ought the present Bill to be regarded, but as an act of the greatest cruelty, of the greatest violence, of the greatest oppression? As the act of an indolent minister, who sleeps over the public concern; who is profuse and extravagant beyond all bounds in his corruption one day, rapacious and hungry after money the next; who cares not how much he wastes, provided he can by any means, no matter how unjustly, how unwarrantably, seize upon more to use to the same wicked and detestable purpose?

He said, he had not, and he took shame to himself for it, attended the House on the first day the Bill was debated, but he had understood it enacted, that an indemnification should be given to those who paid in their balances. Under this infor-

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mation he had been tolerably content, and should have felt no sort of uneasiness at suffering every shilling of the 400,000*l.* due from the representatives of his father to be paid in, had an indemnification in the real sense of the word been given; but to his utter astonishment, when he came to read the Bill, he found, for the first time, the word indemnification did not mean that the persons to whom it was delivered, should be indemnified by it, but barely meant, a common receipt for so much on account. He said the executors of his father had met some time since, and it had been proposed to pay in 200,000*l.* to the Exchequer, in part of the whole; that he, at the time, was adverse to the proposition, arguing, that the larger the balance the greater the probability of the accounts being soon settled by the auditors of the Imprest, in order that the first lord of the Treasury might have the money at his disposal. His opinion was not acceded to by the other persons present, and from a diffidence of his own opinion, when a majority thought differently from him, he gave way; the proposition was in consequence put in practice, and the 200,000*l.* paid in. He had since been more and more convinced he was in the right, and if it was to do over again, knowing as he did, that when the Exchequer had received every shilling they could claim, the noble lord in the blue ribbon would be in no hurry to urge the auditors of the Imprest to pass the accounts, he would resolutely and firmly persist in opposing the paying in of a single shilling, till the accounts were ready to be passed, and a quietus was to be obtained.

The having a large sum of the public money in hand, was, he observed, at all times a matter that gave rise to much envy, and consequently drew upon the parties holding that money no inconsiderable share of obloquy. Something however was due to the public accountant, as well as to the public, and if the latter was entitled to expect its own at the hands of the former, the former indisputably had a claim to a full security and an ample acknowledgment and an indemnification, when the balance in hand was discharged. The present Bill violated this equitable position; it claimed the balance, while it denied the security to the balance-holder. Nor was it consistent with the noble lord's own opinion, as declared upon oath before the commissioners. He had in his hand the fourth Report of the commissioners, in page 23 of which was stated the noble lord's examination; the concluding words of it were these: "He has no objection to pay in the whole balance into the Exchequer, either upon receiving a quietus, or a security equivalent to a quietus, that may equally secure himself and his family from any farther claims from the public upon him, as late paymaster of the forces." In this part of the examination, the noble lord had himself held out the same argument justified by his right hon. friend. The noble lord wanted an indemnification, in the true sense of the word, and did not talk of a bare tally of the Exchequer, which was, in fact, no more than a common receipt. Let the argument, then, rest on that examination, and let the noble lord be himself the umpire of the objections stated by his right hon. friend and himself!

The hon. gentleman took occasion to notice the great share of obloquy which had been cast on a near and dear relation of his, who was a public accountant for many millions, and was now no more. He said, those who were least acquainted with public accounts, the manner of stating them, the progress of them through office, and the mode of their being finally passed, were always most eager to find fault, even where there was no cause. It was so in the case of the person to whom he alluded; that person had been called the "defaulter of unaccounted millions," when it was well known, by those conversant in public business, that the cry was ill-founded and unjust, the person in question not having been any more a defaulter than the hon. gentleman who now held the same office. The person of whom he was speaking, had never deserved the obloquy that had been cast on him; but the circumstance which gave rise to it, he had ever considered, and his friends had considered, as the greatest misfortune of his life; namely, the having been at all connected with administration in the beginning of the present reign. Such, he said, was the intricacy and impenetrable mystery of government in this unfortunate reign; such the dark, imperfect, and concealed system ministers pursued, that it was impossible for by-standers to develope the cloud in which every thing was wrapped; impossible for the public to know the real from the ostensible minister, or to discover who had power and who had not. So circumstanced, they could not tell the minister of power from his instruments, and when

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public measures proved by their issue to be weak, absurd, and unjust, it frequently happened, that the odium fell upon the innocent, while the guilty escaped, and those got off without censure who planned the ill-concerted schemes, while others who had no share in the guilt sustained all the disgrace and all the detestation that followed. So it was with the person to whom he had alluded. That person was in no degree the author of the mischiefs which mistaken men had ignorantly imputed to him. He had not the power to prevent what he as much disliked as any one of his traducers. It was a fact well known to his family, well known to all who came near him, that he most heartily deplored his not having that power at the time, and that he never forgave himself for mingling with these who had, and did not use it for the good and for the honour of their country.

With regard to the passing of his accounts, it happened luckily for him, that it did not rest on his assertion to make out a proof, that the fault lay not with the person in question, nor with his family. Fortunately, there was much better evidence of the fact. It was no other than the great difficulty and the extreme length of time it cost the late earl of Chatham to get his accounts passed, and to obtain his quietus. That noble earl, it was well known, and for which he neither blamed him nor was ready to say he greatly admired him, did not make a shilling advantage of all the public money that lay in his hands; the whole was placed either in the bank of England or at a private banker's. And yet notwithstanding this circumstance, notwithstanding the great influence which the noble earl had, at times, in the country; notwithstanding his anxiety, stated by his right hon. friend, and the endeavours he made to get his accounts settled by the auditors of the Imprest, it was a known fact that the noble earl quitted his office of paymaster-general in 1755, or thereabouts, and did not obtain his quietus till 1769. Lord Holland, he was willing to confess, and indeed it was useless to deny it, had made advantage of the public money while it remained in his hands. And here he was ready to throw down the gauntlet, and to argue it against whoever maintained a contrary opinion, that if a public accountant held himself able at all times, without possibility of check or prevention, to produce the whole of the public money in his hands, whenever he was called upon so to do, it was in that case a matter of perfect indifference to the public whether he used it for his own advantage or not. Lord Holland, however, was always ready, nay, more, he was always desirous, to account. His representatives had been the same, as the noble lord well knew; and he called upon him to declare, if they had not, by every possible means, urged and intreated the offices to pass their accounts; but if the earl of Chatham, under the circumstances described, was not able to get his accounts passed in a shorter space of time than 13 years, surely no man would contend that lord Holland's executors could get their accounts passed in less, especially as they amounted to twice the sum. The whole evil, he insisted on it, lay with the Board of Treasury and the noble lord in the blue ribbon, whom he charged with the grossest indolence and negligence; and who, he said, wanted to shift the blame due to himself upon the shoulders of the public accountants. With regard to the commission of accounts, it was so palpably meant to divert the attention of the public from the noble lord's mal-administration, and to call it off from modern measures, by turning it upon the measures of old times, that he declared, he wondered the idea of throwing out a tub to the whale had never before suggested itself to the mind of man, so completely did that idea meet the whole manœuvre of the commission of accounts, filled by general officers, masters in chancery, merchants, and men of all others the least proper to correct the evils in question. He observed also, that the commissioners had not only been nominated by the noble lord in the blue ribbon, but their first inquiries had obviously been pointed out against discarded ministers and their discarded adherents. It was evident, therefore, that the noble lord's wish was, to take advantage of the first cry of expence, and to turn it to his own benefit, by making it the instrument of harassing those who had uniformly opposed the measures of his government.

The Treasury, he repeated it, ought to have examined into the cause of the delay in passing the public accounts, and, if they found it lay with the auditors of the imprest, the Treasury ought to have immediately put it out of the power of those auditors to have remained any longer the cause of such delay. The noble lord, he remarked, in the course of his right hon.

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friend's speaking, had, as if he felt himself provoked, called out in a most disorderly way, "that he had enquired again and again!" What did this prove?—still greater negligence in the noble lord. It proved that the mischief was so glaring, that it had roused the noble lord from his accustomed fit of indolence, but that, though he went the length of an enquiry, he stopped short in the middle of the business; and even after he had ascertained the evil, neglected to apply the remedy. Why did not the noble lord bring in a Bill to put an end to the cause of the complaint? With his weight in that House he would have found no difficulty in passing such a Bill. It was his duty to have done so, and not to have delegated the powers of parliament to an unheard of set of commissioners of accounts to do his duty for him.

Another objection he had to the Bill was, he declared it to be a Bill of influence. He thought the power of appointing a paymaster of the army and a treasurer of the navy a sufficient degree of ministerial patronage. It was now evident that ministerial influence wished to go much farther; it extended even to persons out of place and in avowed opposition; for what paymaster out of office could be said to be independent of ministry till his accounts were passed? His right hon. friend, who began the debate, notwithstanding he was every way independent in principle and spirit, was indisputably dependent on ministers at that moment, and so he must remain till he could obtain his quietus; which rested altogether, or would rest altogether, after the Bill passed, on the will of the noble lord in the blue ribbon, who had at once the power of quickening the passing the accounts of other accountants, just as he chose to exercise it either way. He put this argument into several shapes, and said, had his right hon. friend, the present paymaster, continued last year to entertain sentiments similar to those which he and his friends avowed, and which the right hon. gentleman seemed more than once inclined to adopt, he verily believed ministers would have attempted to have given him as much uneasiness as possible. He knew his right hon. friend was superior to their impotent malice; and indeed his favourable conduct since, with respect to ministers, had rendered it unnecessary. He said, that when he was himself examined before the commissioners, he thought it his duty to state, "that there was a litigation depending between the executors of lord Holland and Mr. Robert Paris Taylor, who was one of his deputies, the determination of which might affect the balance due from the late lord Holland, as paymaster of the forces; as much of that balance as might be affected by that litigation, he objected to the payment of into the Exchequer; as to the residue, he had no objection, upon obtaining a quietus, or an indemnification equivalent thereto." By this declaration he was ready to abide, but to be obliged to give up the balance on any other condition, he should consider, as being forced by the strong hand of power to submit to an act at once oppressive, violent, cruel, and unjust. He contended also that the object was not worth the violence of the measure, for that in fact the noble lord was grasping at the mere interest of 200,000*l.* for a few months only, since if lord Holland's accounts were passed by Christmas the whole of the balance would be paid at that time.

Lord *North* said, that after having stated on his first motion, for the House to go into a committee upon the reports of the Commissioners of Accounts, that he meant to bring in a Bill to oblige all those accountants who had large balances of the public money in hand, to pay those balances into the Exchequer, in order that in the present exigency of affairs, the public might have the use of their own money; and after having heard it admitted on all sides, that such a proposition was perfectly just and reasonable, he was not a little astonished at hearing the present Bill attacked as violent, oppressive, cruel, and unjust. From the language that had been used by the two hon. gentlemen that day, had he not known the contrary, he should have been tempted to suppose that the Bill was neither more nor less than a daring attempt to snatch the private fortunes of individuals out of their possession, and apply them to the use of the state; nay, a mere stranger would undoubtedly have carried his ideas farther, and imagined, from the extraordinary degree of harshness with which his conduct had been treated, that he meant to appropriate the balances in question to his own private use, and to put the whole of the money into his pocket. One hon. gentleman had said, "the noble lord is extremely rapacious, he grasps at all the money within his reach, he claps his hand

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upon it, and by the strong arm of power forces it from those with whom it is now lodged." Did the hon. gentleman recollect, that the money in question was the money of the public, issued by orders out of the Exchequer, and that all the Bill would effect would be, to bring that back to the public Treasury which there was no pretence whatever for suffering to remain longer in the hands of private individuals? But gentlemen said, "pass our accounts; give us our quietus, and then we will pay our balances!" Certainly, in ordinary times, balances were not expected, nor usually received from public accountants, except upon the settlement of their accounts; but would any gentleman contend, that in a moment, when the exigency of the state was so pressing, large sums of the public money, every shilling of which was wanted for the public use, ought to be suffered to remain in private hands, and in those hands from which there would be no call for it in small payments? A great argument used by the hon. gentlemen was, that the Bill put the public accountants in a worse situation than they were in at present. This assertion he must deny. The Bill obliged public accountants to pay in their balances, but it gave them an indemnification from all claims to which those balances would be liable. On paying their balances into the Exchequer they would receive an Exchequer tally, produceable at any time as an ample proof that they had discharged their balances as far as those balances could be ascertained till their accounts were finally settled.

Another argument was, that the Board of Treasury, and he, as first lord of that Board, had been extremely negligent and indolent; and if there was a fault in the constitution of the Imprest-office, they ought to have examined into it, and to have provided a remedy. The time of bringing forward this argument was surely somewhat extraordinary at the very moment that he was urging a Bill through parliament, the object of which was to remedy, in some degree, the defects of that office, by bringing the balances of the public accountants much earlier into the Exchequer than they otherwise would have been brought forward. With regard, however, to the enquiry into the cause of the complaint, the Board of Treasury had tried, by every means in its power, to quicken the passing of public accounts. The Board had sent for the auditors repeatedly; they had soothed and threatened; in short, they had done every thing in their power to give more dispatch to the passing of the public accounts, till at last, finding a parliamentary provision for the purpose necessary, they had obtained an Act, authorising a commission of accounts, filled by men of acknowledged ability and integrity, who were directed specially to examine and enquire where the fault lay. This was surely proceeding in the fairest and most certain way, both with regard to the evil in question and to the ascertainment of a fit and effectual remedy. "Oh, but," said gentlemen, "that commission is merely a tub to the whale. It was intended to divert the public from other enquiries of greater importance, and which went immediately to the measures of the noble lord and his colleagues." Divert the public attention! he begged to know from what? Was there a single measure of administration, during the whole war, that had not been examined, scrutinised, placed in every possible point of view, reviled, abused, condemned! What was the public diverted from? "Why," said one gentleman, "the attack made by an hon. member on the Civil List." Had the hon. gentleman forgot, that notwithstanding the Act authorising a commission of accounts passed a year ago, the hon. member alluded to had renewed his attack upon the Civil List? And what did that attack go to? not to any offices or places created by him or under his admininistration, but old establishments founded under ministers often talked of with great applause. Of the propriety of that attack, parliament had been the judges, and had decided against it. In that case, therefore, no blame was surely imputable to him.

One gentleman had said, if the clerks, &c. in the office of the Auditors of the Imprest are too few they ought to be increased; he, at the same time, had stated, that lord Chatham was 13 years in passing his accounts, and yet he had owned, what every one must acknowledge, that lord Chatham had great influence. What was this but a clear acquittal of the present board of Treasury, because every body knew that lord Chatham's accounts, and the time thus elapsed before they were passed, was that interval in which the duke of Newcastle, Mr. Grenville, lord Rockingham, and the duke of Grafton, were the ministers? If, therefore, the board of Treasury was to blame for not

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altering the mode of passing the public accounts, those first lords of the Treasury were, at least, as much to blame as he was; the charge was more strong against them too, as the time it took to pass lord Chatham's accounts was a time of profound peace, in which the minister's attention might much more easily have been directed to an improvement of a civil nature than at present, in the midst of an extensive, busy, and complicated war.

But gentlemen had expressed great fear of not having their accounts ever passed if the balance was paid in before their quietus was obtained; and had said, their security would then no longer exist, since the money was the only spur that remained to induce the Treasury to quicken the auditors of the imprest as much as possible. This was surely rather an extraordinary argument, and he was not a little surprised to hear gentlemen ask, when the balances were paid in, what inducement would remain with the auditors of the imprest and with the Exchequer to pass their accounts? What inducement! He would tell the House what. One great inducement would be, the fees payable at the Exchequer, and which were payable only on the passing of the accounts, and the granting the quietus. It had been contended, however, that the quietus ought to be granted with the balances instead of an Exchequer tally. Was the nature of a quietus perfectly considered when this argument was used? Did gentlemen recollect, that a quietus would establish and set up as right every single article in each account? And when they recollected this, would any gentleman contend in reason and in fairness, that such a general establishment of all the various items ought to be allowed accountants, before those items were severally examined and compared with the proper vouchers?

With regard to the position laid down by the hon. gentleman who spoke last, that if a public accountant was at all times ready to produce and pay in the full amount of the public money in his hands, it was a matter of indifference to the public what use he put it to till it was called for; he was ready to admit it, but then he must be allowed to say, that, if the full balance was taken out of a public accountant's hands, it was not probable that he would be slower in preparing his accounts for passing; which, added to the inducement there was in the auditors of the imprest to obtain their fees, would render the passing of the accounts as speedily as possible, a matter equally desirable on both sides. As to lord Holland's accounts, they were so extremely different in their nature, and stood in such a different predicament from the accounts of lord Chatham, that he could only consider all that the hon. gentleman had said on the comparison as a heap of contradictions. Undoubtedly the arguments that applied to the one would no more apply to the other than it was correspondent with common sense to charge the present Treasury board with negligence and indolence for not applying a remedy with regard to the present mode of passing the public accounts, in the very moment when they were applying that remedy, and which no preceding Treasury board had ever attempted. As to the want of dispatch, in relation to lord Holland's accounts, the board of Treasury had repeatedly examined into the cause of it, and had once directed the two auditors to employ more clerks for the purpose. One of them had complied with the direction, but the other (a gentleman lately dead) had refused, and had assigned as a reason, that if he added any given number, such was the state of the accounts in their passing, that they would not be the more speedily dispatched.

His lordship, in answer to the assertion that the commissioners ought to have endeavoured to find out some better method of passing the public accounts, said, that was the main object of their commission; but they had not as yet got at it. What parliament had judged proper for them first to make the object of their inquiry they had turned their first attention to; the other matters, he trusted, they would report upon in due time. The present Bill was founded on their fourth Report; the object of it was opened by him to the House before Easter, and the Bill itself had been brought in as early as was consistent with that candour which ought to mark such a measure. He had, in his progress, allowed full time between each of its stages for gentlemen to consider it with due deliberation.

With regard to the time of paying in the balances, he was far from wishing to make that a matter of inconvenience to the public accountants. He would fix it for any day in November, or whenever gentlemen chose, so as to bring it within the ways and means of the year; he knew not, however, where the hon. gentleman

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got his notion of the auditors of the imprest being able to pass his accounts by Christmas next. He did not himself think it possible for them to be passed in so short a time. The whole of the money which the public would have the use of, if the present Bill passed, would not be so mere a trifle as the hon. gentleman had stated it to be. The amount of the balances would be at least 400,000*l.* of which he had himself and his colleague full 63,000*l.* to pay into the Exchequer.

Mr. *Fox* charged the noble lord with having misrepresented what he said. He had never suggested that the balance of lord Holland's accounts was not the public money; he had only contended, that his representatives ought to have an indemnification for paying that balance into the Exchequer. He charged the noble lord with having insinuated what he knew was not in any degree founded. The noble lord had argued, that if all the balances of the public accountants were paid in, those accountants would not be slower in expediting the passing of their accounts. This, he asserted, was an insinuation that some had been more slow than they ought to have been; a charge he defied the noble lord to make out. Mr. Fox offered on the part of lord Holland's representatives, that the whole balance of his lordship's account should be paid into the Bank, there to abide the passing of the accounts, and contended, that the public had no right to handle it till his father's representatives had obtained their quietus.

After some further conversation, the Bill went through the committee.

Debate on Mr. Fox's Motion for a Committee to take into Consideration the State of the American War.] June 12. Mr. *Fox*, pursuant to notice, called the attention of the House to the American war. He began by observing, that this subject had undergone a recent discussion upon a motion made by his hon. friend, (Mr. Hartley) in consideration of which he should not now have troubled the House with a proposition built on the same basis, but that since the late occasion an argument had presented itself, more unanswerable in its nature, and more efficacious, as he had reason to hope, with gentlemen on the other side, than any thing that he or his friends could advance. Their assertions might be questioned, but those of lord Cornwallis, he trusted, would have all the weight which the abilities, experience, and high professional reputation of that general might fairly challenge. He held a paper in his hand, the late Gazette, from which, on the authority of lord Cornwallis, the impracticability of conquering America was plainly deducible, and on that alone he meant to rest his argument that day, as the best means of avoiding those stale repetitions so often complained of, when the present subject came before parliament; the subject might be old, but the field of reasoning would now have an air of novelty. He should, therefore, confine himself entirely to the Gazette, it was an authority to which gentlemen on the other side of the House would not object, and he begged the patience of the House would bear him company in giving it an attentive examination. This paper certainly confirmed every thing that had been advanced by his hon. friend and himself on the former occasion; but if it could be permitted him to be jocular on such a subject, he might beg the House to believe there was no collusion in the case, the Gazette neither having been framed by his authority, nor he having had any previous knowledge of its contents.

He remembered well the principal argument urged from the opposite benches, and on which the debate chiefly hinged, was a signal victory; which, said those gentlemen who opposed the motion of his hon. friend, will call the rebels to the British standard. The victory has since come confirmed; the British standard has been erected; but what then were the predicted fruits of what he was tempted to call this pretended victory? Nothing but disappointment; nothing but misfortune; he would not say public disgrace. The truth was, the victory of Guildford, as it was called, drew after it all the consequences of something very nearly allied to a decisive defeat. Lord Cornwallis did not fly from the enemy; but indisputable facts bore him out in affirming, that if lord Cornwallis had been vanquished, instead of being the temporary victor, his operations, or rather movements, could not have borne a more unfortunate aspect. He no longer pursued the object of his expedition; he no longer sought the enemy, even in their flight. Nay, more; he in an instant relinquished all the advantages he had gained with so much difficulty; which had been attended with circumstances which reflected so much honour upon himself as a commander, and upon the very gallant, but ill-fated body

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of men whom he led to glory, and to every thing but substantial success.

From the report of earl Cornwallis, there was the most conclusive evidence, that the war in which we were engaged was at once impracticable in its object and ruinous in its progress. It furnished us with the materials and grounds both of triumph and dejection, both of glory and despair. It shewed us, that beneath the conduct of that brave man, a body of British troops had acted up to all the expectations that could be formed of their enterprize and their valour; and at the same time taught us, that neither spirit nor perseverance; neither good conduct in the commander nor courage in the soldiery, could prevail in a contest founded in evident madness and inconsistency.

He wished, he said, to examine the information which we had received from earl Cornwallis pretty closely. The noble lord said, that the object of the campaign was to penetrate into North Carolina. This, surely, could not have been sufficient of itself to sanctify an expedition of so much certain expence and probable danger; and his lordship very properly gives the farther explanation in a subsequent passage, by saying, that it was to give protection to the many loyalists that there were in North Carolina, and to bring them to the British standard. From whom his lordship received this information he could not pretend to guess; most likely from this country, where all such information had had its rise and its currency. Undoubtedly there was reason to apprehend that there might be some men in North Carolina, who, on the approach of his Majesty's arms, might have joined them; for previous to the present contest there were a set of men in this province, a sort of banditti, who infested the peaceable inhabitants, and against whose depredations it had been found necessary to guard, by putting arms into the hands of a number of orderly persons, who were called regulators. To be sure it was not altogether unreasonable to hope but that these banditti, who had maintained a sort of intestine war against the old established government of the province, might be expected to join those who came like themselves to attack that government. To men of such a description all government would be alike, and they would be ready to join any force whatever that came with hostile intentions against the settled power of the country. But even those expectations, if any such were formed, had been disappointed, and the whole object of the campaign had failed.

This failure, he said, must have proceeded from one of these three causes: First, that there must have been some essential defects in the plan; secondly, that the means must not have been adequate to the object; and thirdly, that there must have arisen certain unforeseen contingencies, applicable to this campaign only, which had defeated the end. As he could not for a moment suspect that either of the two former could be held up to government as the causes of our failure, in regard to themselves or to the commander, whose skill, enterprise, and perseverance, were justly praised, he could only have recourse to the last, as the only probable cause that could be urged by ministers of the calamities of the campaign. With this view, therefore, he would examine the contents of earl Cornwallis's dispatches, to see if his information would bear ministers out in this argument. He here turned to the Gazette extraordinary, and by commenting on every passage, he shewed the House that the obstacles were not temporary nor peculiar; they were not applicable only to this campaign, nor such as were either unforeseen or unexpected. They were obstacles incident to the nature of the war, and which we should always have to encounter and to surmount while the constitution of nature remained the same. They were the obstacles of rivers, of a deep intersected country, of impassable marshes, of a disaffected people, of "timid friends, and of inveterate enemies." Such was the state of the country that he could not procure provisions for his small army, while that of general Green, so much more numerous, found no such want. Such was the state of that service that he had not been able even to procure intelligence. So timid, as he expressed it, were the friends of government in that country, (represented as so favourable, that they would be ready to flock to the royal standard on its approach) that they would not even venture to give him intelligence, much less assistance; or only give him delusive and false intelligence, by which he might be led into situations dangerous and difficult for his army.

He made here a just distinction between the conduct of the friends of government in that country and this. There they were so timid, or rather so treacherous,

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for that was the more applicable epithet, as to give no intelligence; here they were so audacious as to give us intelligence in immense quantities. They told us every thing. Such was the abundance of intelligence with which they furnished us, that they had hurried us on, from year to year, from effort to effort, from expence to expence, with an avidity which only could be equalled by the timidity and the silence of those friends whom they had left behind. He wished to God that those men, who had been so loquacious in England, had been in Carolina, where their loquacity would have been of service; and that those timid friends had been in England in their stead, by which we might have been preserved from all that torrent of intelligence which had influenced and hurried us into this war, and been provided with a little of it in the day of necessity, when information was necessary to safety if not to success.

He proceeded next to the battle of Guildford, where the Gazette asserted we had obtained a signal victory. This term, he doubted not, was used by lord Cornwallis in a very proper sense, for he could only attend to the disproportion between the two armies, in which point of view, no doubt, that a victory should be gained on our side was very astonishing, and highly to the honour of our troops; but if the consequences of the action were to be regarded, then he must understand the word signal in a very different sense, and allow the victory to have been signalised by drawing after it the same identical effects that might have been expected from a defeat. Had our army been vanquished, what course could they have taken? Certainly, they would have abandoned the field of action, and flown for refuge to the sea-side: now these were precisely the measures we were obliged to adopt after the action at Guildford, the victorious army leaving the field, abandoning the future object of its expedition, and retiring to the fleet. Another term used by lord Cornwallis he must also take notice of; he called his army a little one; and well indeed might he give it that appellation, since his whole force did not amount at the utmost to 8,000 men. He took that number, merely to avoid a contradiction that might divert the current of debate into an improper channel; for he was credibly informed, the army did not amount to one half the number he had stated; but taking it at 8,000, then on what principle could ministers even justify confining the operations of this active and spirited general by so scanty a force? Little indeed the army was, compared to the enemy it combatted, but still less if compared to the army estimates voted this session; for it appeared by them, that no less than 83,000 men were employed in America, including a small number in the West Indies, so that in order to bring 3,000 men into the field the public were to pay for and provide 83,000. He did not mean absolutely to say, that so many were actually in the service, perhaps not a tenth part of them could be produced; but the account of them was to be seen on the table; and what language could properly describe the fraudulent conduct of ministers, in imposing so grievous a burthen on the people without necessity? He would take, however, if they pleased, the other alternative; he would suppose every man charged in the estimates to be really employed, and that it was necessary to keep 80,000 on the defensive, that 3,000 might be brought into the field; need there any thing else be urged to prove the ruinous tendency of the American war? For lord Cornwallis had stated, as his opinion, that defensive measures would be certain ruin to our affairs, and yet we could not act offensively, without keeping about a proportion of twenty-five to one in garrison; nor did this computation go far enough; as, besides the 83,000, our friends in America were to be reckoned nine-tenths of the whole; instead of which, however, he was rather inclined to believe a great part of the former number were necessarily employed to watch them, instead of their being any wise serviceable to our cause.

From this he deduced the absurdity of attempting to contend with France in America: we had conquered that power in Germany last war, as it had been said; for his part, he rather entertained a different opinion, believing that both powers found that conflict so expensive that they retired from it mutually exhausted, and saw it answered to them the end of a war nearer home, by sufficiently weakening each other; but would that equality of expence exist in the present case? Certainly not: for the minister could not deny, that, if we had 100,000 men in America, and France only 25,000, she could bring more troops into the field than we; but besides this, allowing that each brought the same number, our enemy

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would not incur one fifth part of our expences.

After dwelling a considerable time on the illustration of this doctrine, he wound up his comments on the Gazette, by observing, that, though lord Cornwallis had done every thing he proposed, by penetrating into North Carolina; though he had been fortunate enough to come up with general Green, engaged, and defeated him, he had found no one good consequence of his success, not being joined by any body of Americans, as he expected, nor even retaining the ground upon which he had conquered. As, therefore, no unforeseen obstacles had presented themselves, and no ill conduct had attended the execution of the plan, it was undeniable that the project was a vain one, similar to all the other enterprizes we had formed, during the course of the war; for inimical as the inhabitants of the country were always found, and defended as they were by natural barriers, extensive conquests must ever be impracticable, and no abilities of the general or valour of the troops could avail to any substantial success. This was experienced by general Burgoyne at Bennington; by general Howe at Long-Island; by lord Cornwallis at Guildford; and so it ever must be found while the constitution of things in America remained the same. Ministers had already tried the fortune of war in nearly all the Thirteen Provinces; they began with Massachuset's Bay, which was, in the commencement of the war, supposed the only hostile part of the continent; an insurrection in the province of Massachuset's Bay was the general phrase, and formed the preamble in every act of parliament for coercing America; of course, therefore, to suppress that insurrection, was the only object of the war, and Boston was then taken possession of as the only military operation necessary; but, in a short time, that town was abandoned again, and with so much avidity, that a great minister of state, now no more, (lord Suffolk) had even congratulated parliament on the occasion. We then possessed ourselves of New York, finding the flame of rebellion had extended farther southwards, and there continued till this hour, though it seemed it was not a situation for offensive measures. The next enterprize was levelled at the middle colonies, and Philadelphia was taken; which success was preceded by a very important victory; yet that place was also abandoned much to our satisfaction, and the retreat from it had eternised the name of Clinton. After this we discovered, all at once, that the southern colonies were most vulnerable and proper for an attack; a noble lord (Westcote) proclaimed their inhabitants to be effeminate and enervated by the heat of the sun; his lordship, being a scholar, reasoned on the topic very scientifically, and his ideas were at once adopted: Charles-town in consequence was taken; and, but for extraordinary exertions of bravery, would have turned out a conquest more injurious to our cause than any of the preceding. In short, we had now attempted every province but Virginia and New Hampshire, the latter of which, he was sorry to find, could not be invaded without great difficulty; but, as to the former, he understood it was to be the next object of enterprize: now he would be happy to learn, whether after all the Thirteen Colonies had been invaded, without advancing our grand object a single step, ministers would at last consent to relinquish this most destructive war. If he could only obtain an assurance of that, he would readily consent to an attempt on Virginia, and think he made a good bargain for his constituents. The hon. gentleman adverted to an expression of lord George Germain on a former day, that ministers surely could not want disposition to a peace, as they had a stake in the hedge. Perhaps it might be objected to him, that not having a stake in the country he was not sincere in his professions, and that his arguments ought therefore to be disregarded. It was very true, that his personal interest, his personal stake in the country, was but small: he would, however, claim the praise of as sincere a regard for his country as any man in it, be his fortune what it might; and he conceived that his proposition would not be less attended to, because he himself had not the wealth of those men who had been accumulating princely fortunes by the calamities of their country. But if he had no stake, the respectable body of men whom he had the honour to represent, and whose interests he was appointed to guard, had a stake for which it became him to be solicitous. The city of Westminster was materially affected by the continuance of the war. They had suffered most severely in the struggle, and he knew that he spoke their wishes, when he recommended to ministers to take

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every possible means of reconciling us with our brethren in America. He then moved, "That this House will resolve itself into a Committee of the whole House to take into consideration the present state of the American war;" and intimated his intention of moving in the Committee, should it be appointed, a resolution, "That his Majesty's ministers ought immediately to take every possible measure for concluding peace with our American colonies."

He observed, that this proposition differed essentially from that suggested by his hon. friend (Mr. Hartley) on a former occasion, for that only provided power to ministers, when the will was wanting; but this laid a parliamentary injunction on them, to supply want of inclination, and left them to apply for powers, if they should find any necessity for so doing. He hoped the noble lords in administration would not object against any measure tending to peace, though they were a disgrace or humiliation to them; they were blackened enough already, and surely, it could not do much harm to add one more disgrace to the many already sustained. He hoped also not to be answered as on former occasions, that ministers had a large stake in the country; for it was not their stakes, but those of their constituents, for which they were playing: for his own part, it was well known he had little or no stake to lose, but that should not abate his zeal for the public interest; on the present occasion, he asked no credit for any assertion he had made, but referred for every thing to the authority of the Gazette, and on that rested his argument.

Lord *Westcote* said, he was not prepared to follow the hon. gentleman, nor did he mean to combat his arguments farther than he had formed his opinion upon the apparent tendency and probable effect of the motion, should it be adopted by that House; nor even should he have attempted to draw its attention, if the hon. gentleman had not thought fit to animadvert upon something which had fallen from him in the debate some years since in that House. He acknowledged he had said, that the influence of climate might operate in the southern colonies, and, he believed, universal experience had confirmed the truth of the observation. He might have said, that the inhabitants of the southern colonies were likely to be enervated by natural causes, and less able to resist than those colonies situated to the northward; but he did not ground his opinion on the propriety of carrying on our operations to the southward merely on that ground, but combined with other circumstances, which came within his knowledge or experience; some, perhaps, founded in speculation, others from the state and situation of the country, particularly that part of it, the government of which he had been intrusted with by his Majesty: he meant the general disposition of the inhabitants, the great number of slaves, and persons employed by the planters, &c. He thought he was well founded in saying, that the resistance was not likely to prove so general in the first instance, nor so effectual in the second; but even allowing there was no ground for the former supposition, the loyal attachment to their sovereign and to this country, there was strong reason to presume, that so effectual a resistance would not be made against the British arms in a country where, besides having the horrors of war to encounter, the people would at the same time have the apprehension upon their minds of a more dangerous, because a more cruel enemy, their slaves, servants, &c. to whose mercy and protection, while they were contending for what they deemed their rights, they must have trusted their wives, children, and property.

The hon. gentleman had, in very strong colouring, depicted the miseries which were the consequences of war. He had come in for a share; he had felt, and had suffered in the most tender point [alluding to the loss of his son, the hon. Mr. Lyttelton, killed in the naval engagement between the British and French fleets, off the Capes of Virginia, on the 16th of March] yet he had the consolation to reflect that his son had fallen in a just cause, in asserting the constitutional rights of his sovereign and his country. Notwithstanding every thing which had been urged to the contrary by the hon. gentleman, his general opinion of the practicability of carrying on operations to the southward with success had been confirmed by experience; the inhabitants of those colonies now acknowledged the sovereignty of Great Britain, and enjoyed those rights which had been so long withheld from them, through the oppressive and traitorous conduct of an internal faction, supported by a rebel congress. Before he proceeded farther, he would just observe, that the particular, as well as general reasons for carrying on operations

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to the southward, still remained uncontradicted, nay, were literally confirmed, for so far from the quotas from the southern colonies being of any material service at the battle of Guildford, by the best accounts received of that battle, the South and North Carolina militia gave way almost at the first fire, and fled to the protection of their own homes; while the whole weight of the battle fell upon the continental troops, and the Maryland and Virginia militia; who were not in general natives of these colonies, but chiefly Irish, Scotch, and English; and therefore nothing could be adduced from their conduct to overturn his opinion.

The question, as it presented itself to the House, he must confess, he highly disapproved of; and, if for no other reason, because it went to tie up the hands of government unnecessarily; but what ought infinitely more to be dreaded, it would defeat the very object of the motion itself, the bringing about a peace with America. The best way to make peace was, in his idea, to wage war manfully; and to make a stand worthy of the ancient dignity of this kingdom. Gentlemen had last year mentioned the league of Cambray, and stated it to be the cause of the decline of the splendour of Venice; but they were mistaken; for powerful as was that confederacy, it was not able to ruin Venice; the greatness of that republic fell by the discovery of a passage to the East-Indies by the Cape of Good Hope.

On the first point he did not expect to hear it controverted, that it was the prerogative of the crown to negociate peace or declare war; there was no one point in which the constitution had more clearly marked the distinction than in tracing out the boundaries or barriers which separated the executive from the legislative power; yet, if the present motion was to go as now proposed, those barriers would be broken down, and that House of course improperly entrench on the rights of the sovereign, arrogate to itself the power of making peace and prosecuting war, and by that means blend two powers, the executive and the legislative, which the whole scheme of the British constitution pronounced should be kept separate and distinct; and, so far as the mere exercise of the former might be affected, ought to be deemed independent. He presumed the hon. gentleman would agree with him, that the British was a mixed government. It was composed of three estates, the monarchical, aristocratical, and democratical, which, when knit and united together, formed the sovereign power. Neither would it be denied, he presumed, in their deliberative or legislative capacity, that those powers, thus united, constituted the sovereign or supreme power; but then it was equally evident, that the will of this body was appointed to be carried into execution by the crown, and by it entrusted to the exercise of its ministers and subordinate instruments. Now, should the House agree to the hon. gentleman's motion, for he had been so explicit as to announce his farther intention of moving in the committee, in some form or other, to make peace with America, what would be the case? Most certainly a direct infringement upon the prerogative of the crown, whose province it was to declare war, and negociate and make peace; and no less a violation of the constitution, whence equally originated, as from one common source, the rights of the sovereign and those of the other two branches of the legislature.

On the other ground it appeared evident to him, that the motion would defeat the ostensible object held out. It would convince our enemies, that we were no longer able to prosecute the war, or defend those rights for which we originally had entered into it. It would be an implied declaration of public imbecility, while it would amount to a declaration, that we must receive peace from the colonies, not they from us. Supposing, for an instant, that peace was offered, would not such a public act of that House import, in so many words, that it relinquished all hopes of succeeding by negociation, while it would, to all intents and purposes, leave the people of America to act upon the same hostile plan against us; and after we had declared them independent, leave them at full liberty to unite with our enemies and effect our final destruction?

These were his reasons why he could not agree to the motion; for it clearly appeared to him, that it would be a violation of the constitution, in the first instance, because it would infringe upon the inherent rights of the sovereign, and divest the crown of the exercise of the executive power, and at the same time directly defeat the only intention or object upon which the exercise of that prerogative should, if at all, be dispensed with. That parliament might, in certain cases, interfere, he was ready to allow; he meant, they might interfere

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under the sanction of the constitution, when the trust delegated to the executive power was either purposely abused, or negligently or ignorantly administered. Instances of this kind had happened in former times, and ministers, being responsible for the discharge of their respective trusts, had been called to an account, and censured; but never while the measures were carrying on. They were entitled to advise their sovereign to declare war, to negociate or make peace; and after their advice had been adopted, parliament was competent to inquire in what manner they had conducted themselves, whether wisely or unskilfully, and to proceed to censure or inflict punishment.

The hon. gentleman, along with the misfortunes, disappointments, and disgraces, he was pleased to impute to the American war, had reprobated, in the most severe terms, its cruelty and injustice, involving every person who supported the measures of government in a general charge of criminality. For his part, though he was not in parliament when the measures respecting America were first adopted, he was ready to declare, that he had all along approved of them, and since he had the honour of a seat in that House had supported them as far as his poor abilities could reach. So far from its being an unjust or a cruel war, whatever adverse circumstances might have impeded its success, he solemnly affirmed, that he did not think it was possible for the mind of man to frame a system of conduct more consonant to justice and sound policy. What could be more strong or relative than the origin of the dispute on the part of Great Britain? A considerable part of the empire, without any real provocation, fly in the face of legal government. Not contented to rest there, they fly to arms, and persist in a series of the most flagrant acts of rebellion; they tear with their hands the bonds of constitutional union, by declaring themselves independent of the king and parliament of Great Britain; and finally, to fill the measure of their ingratitude and treason, enter into alliance with the most dangerous and inveterate enemies of the state. So far, therefore, from calling the war on our part, a wicked, an accursed, and diabolical war, originating in injustice, prosecuted with rigour, and meditating the slavery of the vanquished, he was of opinion, if he might be permitted the expression, that it was a holy war. The motives which gave it birth were generous and noble; it being, in the first instance, from an intention to maintain the inalienable and indubitable rights of the sovereign power of the king, the parliament, and the nation; the unity of the British empire, and the dominion which was necessary to be preserved over all the respective parts of which it was constituted. In the farther progress of it, other objects arose, among which the protection of those who had been banished, proscribed, or persecuted, for their unshaken loyalty and steady affection to the parent state, was not the least; and since France and Spain took a part in the quarrel, it continued to be a war, carried on for the sole purpose of national preservation, against the deep-laid schemes of our ambitious and inveterate enemies to effect our total overthrow.

He begged leave to make a few remarks upon the melancholy picture drawn by the hon. gentleman, respecting the present state of public affairs. The hon. gentleman had held out our enemies on one hand, contrasted with our own situation, in a manner sufficient to inspire ideas of national despondency. He would agree, that our enemies were numerous and powerful; and that the late advices from lord Cornwallis were not so favourable as might be expected; but in this he saw nothing which ought to produce despondency; on the contrary, the increase of difficulties ought to create diligence, and call forth exertion; it should produce union. If our situation was alarming, it was far from being desperate. He remembered when the queen of Hungary, at the commencement of the last war but one, was assailed by an host of enemies, composed of two of the most formidable powers on the continent of Europe (France and Prussia) assisted by the head of the Germanic body, (the duke of Bavaria, then elected emperor), yet in the midst of her various miseries and distresses, and the dread of impending evils of much greater magnitude, after she had been stripped of two thirds of her dominions, and almost every day brought her an account of some fresh disaster, some battle lost, or fortress taken, she never thought then of proposing terms of peace to her surrounding and victorious foes. On the contrary, she acted with the utmost fortitude of mind, with the most unexampled magnanimity; she persevered with a constancy, equally the effect of the most immovable firmness and the highest political wisdom; and, by

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this truly judicious and magnanimous conduct, obtained in the end, all circumstances considered, an advantageous and honourable peace. Such being his general sentiments, he thought it his indispensible duty to give his hearty negative to the motion.

The Hon. *John Jeffreys Pratt* * made his first parliamentary essay. He spoke under evident embarrassment, arising most *likely* from the uncommon respect that was paid to him, and from which he was not able to relieve himself through his whole speech. He would not attempt, he said, to add any thing by way of argument, to what had been so ably advanced by Mr. Fox. He had given so full and conclusive a weight to the question which he had brought before the House, that he declared he could not see how gentlemen could resist conviction. There must be some secret cause for the apparent incredulity of the other side of the House; all their pretended reasons were surely insufficient to ground or maintain them in the opinion which they professed; for his own part, he most heartily concurred with his hon. friend in the motion that he had suggested for recommending to ministers to take every possible step towards a reconciliation with America; it was the only thing that could save this country from ruin. He said, that the Gazette confirmed him in the opinion which he had long entertained, that the reduction of America was impracticable. The intelligence it contained was most unfavourable, and yet, such as it was, it was no doubt garbled as usual by his Majesty's ministers. What then must have been the appearance of things if communicated in their original state? [The lowness of Mr. Pratt's voice prevented us from hearing distinctly his speech, or from giving it more at length.]

Sir *Thomas Clarges* said, he had all along been convinced of the justice of the American war, and as soon as he came into parliament, at the commencement of the present session, voted for the farther prosecution of it, and for every measure proposed for its effectual support. Yet, however just the claims of this country might appear to him to have been, he supported those measures upon an idea of their practicability and eventual success. It was in vain, in his opinion, to contend upon the mere ground of justice, unless the claims of the parent state could be enforced. At his entrance into parliament, he voted with ministers; because, from the information they gave that House, he was induced to believe that America might be recovered, and once more form a part of the British empire. In this opinion, however, he no longer remained. He saw that success by arms was beyond our reach. The whole tenor of the Gazette, which had been so ably commented upon by the hon. mover, proved it beyond question, and took away every apparent ground of controversy. The justice of the war became an object of very little consequence, when it was withheld, and we were no longer in a situation to enforce it. It was said that it would be degrading and unworthy a great nation such as this was, to enter into a treaty with our rebel subjects, or to acknowledge their independency. So long as any rational hopes of success remained, he heartily coincided in the same sentiments; but those hopes, even in the minds of the most sanguine, being at an end, he thought that peace, upon almost any terms, was infinitely preferable to a war under such peculiar circumstances. Under these strong persuasions, a regard for the interests of his country, and the duty which he owed to his constituents, obliged him to vote for the motion.

Mr. *T. Townshend* professed his high regard for the noble lord who was the writer of the Gazette, which formed the ground of the present motion. He had been in long and early habits of friendship with the noble lord; an intimacy, he believed, which had produced a reciprocal affection. Nay, he was nearly allied to him in blood; yet, with all the prejudices of personal regard, with a full and perfect consciousness of the very brilliant and solid abilities of that gallant and skilful commander, he was persuaded, that lord Cornwallis could not effect the reduction of America, because lord Cornwallis could not effect impossibilities. His dispatch, in the plainest and most explicit terms, pointed out those impossibilities; "timid friends, inveterate enemies; without provisions; cut off from all the resources so indispensably necessary for the support of an army, in the heart of an hostile country:" in short, every feature of the campaign presented to his mind such an idea of immediate distress, and portended such a train of future disasters and increased disappointments, as fully proved

* The present Marquis Camden, (A. D. 1814.)

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to him, that the fate of the American struggle was already decided; and, consequently, that America, at least on the plan of coercion, was irrecoverably lost. The only question, then, which remained to be determined was, if America could not be conquered, could she be treated with? If she could, the motion of his hon. friend was apparently directed to open the way to such a treaty. His hon. friend had taken very judicious ground; his intended proposition, should the House go into a committee, was meant to be worded in such general terms, that though it was specific as to the object, the minister's hands were not to be tied up, as had been so strongly urged and argued by the noble lord who spoke second. The object was peace with America; the means were not pointed out, but the choice and method of obtaining it were left to the discretion of his Majesty's ministers.

The noble lord (Westcote) had likewise contended, that the motion proposed to be made in the committee, would be an invasion of the prerogative of the crown, and a violation of the constitution. This was strong language indeed! Was such an interference unprecedented? Or if sanctioned by precedent, was it ever condemned as illegal or unconstitutional? He was persuaded, that there were many instances on the Journals, of parliament having interposed upon extraordinary and pressing occasions; and if ever a necessity of the kind existed, surely the instant he was speaking, loudly proclaimed its existence. Ministers had originally led or deceived the nation into the war; they induced parliament to prosecute it for upwards of seven years, at an enormous expence and waste of blood and public treasure. They still continue to buoy up parliament with false expectations of success; and yet, after having failed in every one of their promises; after having, year after year, nay, week after week, promised, and falsified those promises, the noble lord complains of the impropriety of no longer trusting such men, or permitting them to pursue ideal and impracticable schemes of conquest; but to endeavour to make peace in preference to the continuing a war which ceases even to hold out any object which can create the most visionary expectation.

He said he was not prepared to enter into a minute detail of the first causes of the dispute with our American subjects. The justice or injustice of the American war had furnished matter of innumerable debates in that House. Men, and some of the very first characters in the kingdom, held different opinions. It would be an idle enquiry, at this time of day, to enter into a discussion from which he was persuaded so little benefit could be derived, and which, too, would be so far from bringing home conviction to either side of the House, that it would only revive personal animosity, and sharpen contention. It was with pleasure, therefore, that he observed at once how judiciously and candidly his hon. friend who made the motion, had precluded a possibility of discussing a matter, which, unless as a mere point of speculation, had so little immediate connection with the business now before the House. If he conceived the tendency of his hon. friend's motion, it was this; if we are not able to subdue, or bring America to reasonable terms of accommodation by the intervention of arms, shall we try other means? shall we have recourse to negociation? Here the American war was considered merely as a measure of expediency, not of right or justice. If the right was with us, and we were not able to obtain it, it was in fact no right; the ground of justice was of course very properly excluded by the manner the motion was framed, and so it had been justly conceived by the hon. baronet who spoke last. His conduct, as he had explained himself, was perfectly and strictly reconcilable; so long as any prospect of success remained, he was for prosecuting the war; when it ceased, he was for proposing, or agreeing to terms, to which he would have by no means consented, if he could have in any other manner obtained the full extent of what he deemed the rightful claim of his country. As to the ground of his motion, his hon. friend had conducted himself with equal judgment and parliamentary skill. To shew that the resolution he intended to propose in the committee was well founded, he adduced, from an authority not to be questioned, the London Gazette, that all expectations of conquering America were finally and completely terminated.

Though he meant when he rose, to avoid entering into any discussion relative to the justice of the American war, something had fallen from the noble lord which made it necessary to depart from his first intention. The noble lord had called it a holy war. He presumed the noble lord did not foresee the exact similitude which

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this favourite war bore to other holy wars —the Crusades, which had attracted the attention of Europe in the days of ignorance and superstition. Like the holy wars carried on in Palestine, it was conceived in injustice, prosecuted with cruelty, whetted by false zeal, and had ruined and depopulated the country which had engaged in it. It was the effect of bigotry and superstition: it was designed to aggrandize a few at the expence of thousands. Like the holy wars, it drained the country of its best blood and of its chief resources. Like the holy wars, it exhibited an herd of fools and madmen, led on to ruin and death, for the purpose of promoting the bloody purposes of a set of knaves and would-be tyrants. Like the holy wars, under the mask of promoting the greatness of a single person, it concealed the worst, the most revengeful and diabolical purposes of blood, slaughter, and public and private oppression. Like the holy wars, it raised knaves into consequence, who were the only gainers by it; and that by the spoils of an oppressed and impoverished people, while the great and good were sacrificed to their accursed ambition; so that the French observation was fully verified in both instances; *la guerre fait mourir les braves, et vivre les coquins.* He then called upon the House to know how long they would, or could submit to see the blood of their relations spilt, and their money expended to no purpose? The noble lord, he said, might put on the cross, and appear at the head of his mad crusaders; but he hoped the House would come to its senses, and all colour for father delusion being wiped away, that they would adopt those measures, from motives of necessity, which they had hitherto refused to listen to upon principles of justice or sound policy.

Sir *Edward Astley* said, that it might be deemed presumption in him to obtrude his sentiments on the House, but he was encouraged by the example of a noble lord, who spoke lately, and who alluded to the loss of a dear relation of his slain in battle. He said, that he too, as well as the noble lord, had lost a son in this unfortunate war; he had still three sons in the King's service; and he wished to know if any more of his blood was to be spilt in a war, which must end in our ruin if pursued any longer? Nothing but a truce could save us; the noble lord might believe him, for he had already told him some truths, which he did not believe at first. Besides, our blood and treasure was thrown away; for notwithstanding the sums voted by parliament, the subject really had not protection; and he was sure that the county of Norfolk, which he had the honour to represent, was so defenceless, that 100 men landing in it might do incredible mischief.

Mr. *Rigby* opened his speech with several handsome compliments to the hon. gentleman who made the motion. The hon. gentleman had represented himself as a person of insignificance, as possessing no property, as having no stake in the country. No man, in his opinion, possessed a more valuable or important stake in this country than the hon. gentleman. His talents, his situation, and his prospects, combined, vested in him a more large and ample possession than the annual receipt of many thousands: when, therefore, he heard the hon. gentleman assume the language he had now used, he was free to say, there was no man who heard him that felt as the hon. gentleman himself seemed to feel. He was an honour to his country; his country had a public interest in him; and though he had the misfortune to differ from the hon. gentleman in his political sentiments, there was no man who retained a higher opinion of his abilities, nor of his public integrity, than he did.

He sincerely approved of the hon. gentleman's candour, in stating in his speech the proposition he meant to make in the committee; and foregoing his own particular opinions, by proposing to move in the committee, should the House agree to go into one, for a peace with America, instead of declaring America independent. He wished not to be understood as approving of either; but since the hon. gentleman had such a proposition in contemplation, he thought him candid in avowing it, and perfectly right in not making any motion for declaring America independent; for in fact America was at that instant independent, and ought to be considered in that light, and no other, till the fortune of war should decide otherwise. So far, in his opinion, the hon. gentleman had acted fairly and consistently. America was now at war with Great Britain, and till the event of that war was determined, she stood precisely in respect to this country as the other belligerent powers, France, Spain, and Holland. The reason why he could not agree with the motion made by the hon. gentleman,

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as leading to the proposition meant to be moved in the committee, was this; that it would defeat the ostensible objects for which it was obviously framed, and that on two accounts; first, it would prove, that we looked upon ourselves as no longer in a condition to prosecute the war with any hopes of success; secondly, it would prevent ministers from availing themselves of any favourable or fortunate event which might happen in the mean time. He must confess, that his expectations were not very sanguine; the late circumstance which had fallen out, proved satisfactorily to his mind, that the power of that country was in a great measure against us, and of course that success, to any solid extent or advantage, began every day to appear more and more doubtful.

For his part, no man more disliked the farther continuance of the American war than he did. He lamented it as a citizen; he disapproved of it as a senator; and, in his official capacity, several matters came to his knowledge, which convinced him it was attended with an enormous and ruinous expence; but however disagreeable or destructive it was, or might prove, he could not perceive how the present motion would tend to remove the evil. War, upon a general ground, was a national evil at all times, and in all possible situations. The American war he acknowledged was peculiarly so, on a great many accounts of an obvious nature, and the numerous and powerful enemies which had combined against us rendered the present war extremely alarming. Yet it was necessary we should continue to defend ourselves, and protect our dominions. Notwithstanding all those melancholy circumstances, he feared it was not a proper or prudent time to make a public declaration that we wished for peace. If such a declaration promised to procure peace, he would cheerfully give it his support; but, in his opinion it would produce a contrary effect; and so far from accelerating the issue of the war, would evidently tend to lengthen it, and inspire the Americans with ten-fold vigour; and to talk of making a separate peace with America, was a mere farce; for whenever peace was made, he meant when we should sue for it, the terms would be proposed, if not dictated by France, not by America. They were leagued in interest, and united in arms; and when peace should be made, not only the particular claims of America, but the different views and interests of the other belligerent powers, would be promoted or reserved.

He next spoke of the justice of the war. He said, he had supported it throughout, and never gave a single vote, which, were he in a similar situation, he would not repeat. He never conceived a doubt upon the right of this country over her colonies, nor was he less persuaded at the time of our ability to enforce it. Yet, unhappily, he was mistaken in the event, though he had every reason to believe, that the power was with us as well as the right, but from a variety of cross and unforeseen accidents, which it might or might not have been possible to prevent, he feared the opportunity was lost. The hon. gentleman who made the motion, and a right hon. gentleman who spoke lately (Mr. T. Townshend) had inveighed, in terms of severity, against the authors and promoters of the American war. They were described as wicked, cruel, bloodthirsty, &c. These were strong epithets, and, if well founded, would equally apply to men of all political descriptions, as well to particular sets of men as to parties; to those that were out as well as those that were in. In fine, if it was a wicked war, conceived in folly, prosecuted with rancour, and directed with tyranny and oppression, the accusation would extend much farther than those gentlemen would wish: it would reach their friends equally with their opponents. When the Stamp Act was passed, there was not a single dissenter, nor of course a division. In the next year when that Act was repealed, under the administration of lord Rockingham, the declaratory law was passed, which asserted the rights and power of this country over her colonies in the most full and ample manner. In the course of the debates on that subject, a very high and respectable character, then in that House, and on whom it was the custom with those who opposed the present administration to bestow the warmest eulogiums, he meant Mr. Pitt, in describing the relation subsisting between both countries, drew the line between internal and external taxation. He contended, that we had no right to tax the colonies for the purpose of raising a revenue within them; but was so clear and explicit on the right of laying external taxes, customs, or port duties upon their commerce, that he said, a hob-nail ought not to be manufactured in the British colonies without the consent or sanction of a British parliament.

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In a full avowal of those sentiments, when he came into an administration supposed to have been formed under his auspices, the very next year, duties were laid on the import into the colonies of certain commodities therein enumerated. When the same great man retired from public business, and the King's government was under the direction of the duke of Grafton, upon a resistance having been made to the collection of those duties, in 1769, two regiments of infantry were sent to Boston, in order to compel a punctual obedience to the law passed by the British legislature. At the two latter periods, a noble law lord, high in reputation, and who had since opposed measures of a similar nature (lord Camden) presided on the woolsack, had a seat in his Majesty's councils, and in the double capacity of lawyer and statesman, in the cabinet and parliament, supported, or at least, by his conduct, countenanced those measures, which he had heard that night furnish matter of such pointed censure and severe animadversion. He should not proceed farther in detail, but just observe, that when coercive measures were first adopted, he meant the bringing in and passing the Boston Port Bill, from which law the present war directly originated, the very gentlemen, who were now most violent in their disapprobation, remained silent and inactive. There was not a division, not a single debate on the subject. The Bill, if it did not pass unanimously, certainly met with no opposition. So that if the American war was wicked and impolitic, it received the sanction of every man, whom gentlemen on every side of the House deemed to be able, honest, and respectable. It received the approbation of some gentlemen in that House, who were now the most violent, loud, and severe in condemning it.

He then recurred to the grounds of objection he had stated in the beginning of his speech, namely, the impossibility of discriminating America from the rest of our public enemies, or drawing a line between her and France, Spain, or Holland, particularly France. He contended that they were embarked upon the same bottom, and must rise or fall together. America was now a public and avowed enemy to all intents and purposes. There was no possibility of qualifying or separating their claims or interests from those with whom she was combined. So far from it, that he much doubted whether if even inclined to come to terms of accommodation, she had it in her power; another party was concerned, France had mingled in the quarrel, and it rested as much on her as on us, whether America should be independent? Rhode-Island and its dependencies were already in the actual and positive possession of France. She had fortified it in the strongest manner, and by the account which appeared in the news-papers, and which bore every appearance of truth, the cannon, stores, &c. captured with the 64 gun ship which carried them, were designed to strengthen the fortifications and other defences already constructed, or to be constructed in that province. Upon the whole, if the measure of subduing America was wicked or impolitic, the wickedness or impolicy could not be fairly or justly attributed to any one party, description, or set of men in or out of office. The ablest men in the country, of the first rank, title, fortune, abilities, and character, had assisted in it, and whatever the final event of it might prove, whether fortunate or unfortunate, it never could be deemed, at least during the present generation, a wicked, oppressive, and diabolical war.

Lord *John Cavendish* said he did not mean to rise, but something which had fallen from the right hon. gentleman who spoke last, made it necessary, lest the House might go away under any persuasion that the right hon. gentleman's argument was founded on facts, correctly stated, either in the general or particular. So far as the general argument was intended to be pushed, he thought it totally inapplicable and ill-founded; for he should ever think there was a very material difference between stating and declaring a right presumed to be vested in parliament, as the sovereign or supreme power, and employing measures of coercion in maintenance of that right. Besides, it was not fair to conclude that the Declaratory Law, which asserted a general undefined right, namely, to bind the colonies in all cases whatsoever, pointed to the assertion of a particular mode of exercising it, namely, a right to tax, which claim had been renounced in the very same session by a repeal of the Stamp Act.—As to the conduct of ministers in the succeeding administration alluded to by the right hon. gentleman, it could not be supposed that either he or those who thought or acted with him were in any wise responsible for their conduct, not having been either directly or indirectly privy to or acquainted with

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their motives. The right hon. gentleman said, there was no opposition made to the Boston Port Bill in that House. He was persuaded the right hon. gentleman must have forgot, because he did not think him capable of wilfully misrepresenting or designedly misleading that House. The fact, he believed, was directly the contrary; for, if he remembered right, there was a very strong opposition made to the measure. But be that as it might, he well recollected his own conduct on the occasion. He protested strongly against the measure; and, as well as his memory, at so remote a period from the time, could serve him, he remembered his words were "In God's name, if the people of America are not disposed to continue under the British government, do not attempt to coerce them, or compel obedience by force of arms." These were his sentiments, and they were founded on this maxim, which, ever since he had turned his attention at all to political subjects, had been invariably fixed; that all government being founded in choice, arising from popular approbation and public opinion, he thought that either this country should have conformed to the wishes and desires of the people of America; or if the bonds of union, by which the colonies were willing to bind themselves, were such as the mother country could not approve, or appeared to be incompatible with their reciprocal interests, in that case Great Britain should forego her claims; no matter whether real or ideal, and leave the colonies at liberty, either to establish some form of government, or when experience might effect a change in their sentiments, leave an opening for them to return to their former condition and ancient connection.

It was very necessary to enter into further explanation. He hoped he had so far explained his conduct, and the conduct and motives of those with whom he had the honour to act, as fully to satisfy the House, that he and his friends were utterly against risking the calamities of a civil war in the maintenance of mere speculative opinions; indeed, they had given the most convincing proofs of it, by promoting the repeal of the Stamp Act; and that when coercive measures were strongly objected to them on the ground that government ought to arise from choice, not compulsion, because dominion was not worth preserving on such terms. The hon. gentleman who had made the motion had supported it so ably, and urged such a variety of strong reasons in its support, that he did not think it at all necessary to add a syllable on the subject. He disapproved of the American war in the commencement and in all its stages. Now, however, all argument was at an end. America was lost; and what in the out-set might be considered a matter of right, had now assumed another form, and was indisputably no more than a question of expediency.

Lord *George Germain* entered fully into the question. He began with professing, that though he rose to oppose going into the committee, he did so only from a firm conviction that the hon. gentleman's proposition could not promote the establishment of peace with America; for, was there the most distant probability of effecting that most desirable end, by acceding to the present motion, instead of giving it his negative, he should feel it his duty to second it; but if, on the contrary, he believed, as he confidently did, that to form a committee on the American war, and pass therein the resolution the hon. gentleman intended to move, would set peace still farther at a distance, and afford at the same time, a triumph to our enemies, it was his duty strenuously to oppose the motion. No gentleman was more inclined to peace with America than he was; no man would go greater lengths to obtain it; and no one who heard him more sincerely lamented the innumerable calamities that resulted from it. Had the only measure offered to the consideration of the House been that of forming a committee to deliberate on means of restoring peace, he might, perhaps, have been at a loss whether to resist the proposition or concur in it; but the hon. gentleman, with a degree of openness and candour, which always marked his parliamentary conduct, had fully anticipated the business of the committee, by avowing, that no better means would be proposed therein, for effecting the salutary end in view, than that of directing his Majesty's ministers to make peace with America. Here, then, he could not hesitate to say, that no good consequence whatever could result from the committee, for it was only to compel ministers, where compulsion was not necessary, to make them do what they ardently longed for the ability of doing; he had repeatedly declared, that no person existing would be more happy at the restoration of peace with America than himself; he should pronounce that the

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happiest hour of his life wherein he saw an opportunity of concluding the war on safe, advantageous, and honourable terms to Great Britain. These were his sentiments, these were the sentiments of his Majesty's ministers in general; and could they possibly wish otherwise? Did they wantonly protract the war, or let slip any occasion of making peace on conditions which the legislature would approve, he scrupled not to say their conduct ought to undergo a parliamentary scrutiny, and punishment ought to follow the conviction of a crime so pernicious to their country. This was the public security, and a very sufficient one for the vigilance of ministers, in embracing the first favourable occasion of restoring peace with our colonies, that they would be amenable for their conduct to parliament; but to pass any resolution, compelling them to make peace, without furnishing the means of doing so, would be as dangerous as superfluous; for it would be declaring at once the dejection of this country, and proclaiming to our enemies, that we had restored a peace on any terms they thought proper to prescribe. What might France then say to America; knowing, along with the resolution of that House, the debate which preceded it; knowing that the impracticability of success had been assigned as the reason of laying so unprecedented an injunction on ministers? This would assuredly be her language, "You see the despondency of Great Britain; she is dispirited; she can no longer continue the war, but must have peace on any terms: hold out, then, but one year longer, and we shall be able to exact whatever conditions we please; you will then no longer have any thing to apprehend from this power; will be under no necessity of forming political or commercial leagues with her, and I will institute a perpetual alliance with you on such favourable terms as will infallibly make you an opulent, splendid, and powerful nation." Thus that strange restriction on the executive power, proposed by the hon. gentleman, would, instead of accelerating the period of the war, only tend to retard it, by giving fresh courage to the confederate powers, and new motives for being refractory, degrading, at the same time, the national character of this country, which used to flourish under difficulties, and surmount by resisting them, instead of making puerile confessions of her despondency and weakness. But for that intimation of his plan, which the hon. gentleman had very properly given, he should have been inclined to expect some propositions in the committee very different from that in question; for as the House had determined recently, that no new powers were necessary to be vested in the crown for the purpose of restoring peace, and as there could be no doubt of the disposition in ministers to effect it if possible; nothing more could consistently be done but the settling upon those conditions on which they were to treat. He should have expected, therefore, that the independeney of America would have been proposed as a ground of pacification, especially as the hon. gentleman had himself declared, that this was the equitable and necessary preliminary. Had the hon. gentleman actually moved such a resolution as this, it would perhaps have been the best way of taking the sense of the House on the difficulties which prevented the conclusion of a peace; for to admit the American claim of independence was the only means of opening a negociation at present, consequently of enabling ministers to obey the injunction proposed to be laid upon them. Every thing short of this had already been conceded on the one side, and rejected on the other, for by the Conciliatory Bills every idea of taxation, that original ground of discussion, had been renounced; consequently, it was vain to expect any vote of that House could induce America to treat, except we were prepared finally and solemnly to relinquish our right of sovereignty. Was parliament then ripe to say, that those colonies, once the most valuable appendage of our empire, should be for ever dissevered from the parent state? If they could submit to such abasement, he would not. He had protested most solemnly before, and would now repeat it, that neither in his capacity as a member of the legislature, nor as a servant of the crown, would he ever declare America independent of this country: never should his vote concur with so humiliating a declaration. Never should his hand be instrumental in such a surrender of British honours and interests. It was not to be argued, "Why, she is virtually independent already, and you only recognise the right without giving the possession;" for between the claim of violence and that of law, there lay a broad distinction, which such an act would take away; it was a material difference to Great Britain, whether her colonies were independent by

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their own usurpation, or by the authority of parliament; and whatever might be the events of war, he should hold it highly dishonourable in the legislature of this country, to purchase peace by the renunciation of their constitutional rights.

But when we talked of making America independent, it was more perhaps than our power could accomplish. We might, indeed, release her from the bond of her natural allegiance, and bid her be her own protectress: but would France guarantee the liberties of America? Would France also give her independency? In all probability, no: and she would only be dissevered from Great Britain, that she might be subject to a foreign yoke. A noble lord (J. Cavendish) had said, "If our colonies will not receive our sovereignty, let us bid them go and prosper; for we ought only to accept the allegiance of a willing people." Were the question to be agitated between two states that never had been united in a common bond of allegiance, this sentiment of the noble lord might be very just; for unquestionably there it would not be just to force a connection, except both parties were inclined to it; but such a mode of reasoning between a parent state and its rebellious colonies was such as he could by no means subscribe to. What! was the supreme authority of a state to say to its revolting members, because you are disaffected, because you choose to infringe the law and the constitution, be independent, I will govern you no longer! Such a rule of policy must infallibly tend to dismember and annihilate the largest empire in the world. Yet how could we, even admitting the justice of such a principle, adopt the noble lord's phraseology, saying to America, "Go, and prosper!" His lordship said, he had given that advice some years ago; perhaps if adopted then, the words might have had some sense, but now they would be totally absurd; for to bid our colonies go, and prosper, would be insulting their wretched situation; since, by the treaty with France, they became incapable of protecting their own liberties from the ambition of their deceitful ally. We should therefore, in such a dismission of their allegiance, only add an extensive territory to the dominions of France and Spain, which by wise, resolute, and prosperous measures, we could reclaim to ourselves, and which would enable us to withstand the united force of all Europe.

His lordship now adverted to Mr. Fox's strictures on the Gazette, and objected to all the inferences he had drawn relative to the disposition of the southern colonies. Lord Cornwallis's expedition had been considered as an improvident one, and was said to have been undertaken on the misrepresentations of government. But what grounds had the hon. gentleman for forming such an opinion? for the general's letters contained not the most distant intimation of the kind, which, considering he wrote not only like an able officer, but a man of business, would not in all probability have been omitted, had the expedition been in fact rendered fruitless by erroneous information from any quarter whatever. Of this he could solemnly assure the House, that if there was error in expecting to find many friends in North Carolina, the deception had at least been mutual between lord Cornwallis and ministers, for that intelligent and active general had not failed to inform himself what the inclinations of the inhabitants were, and had repeatedly mentioned in his letters, that a very large proportion of them were loyally disposed: if ministers, therefore, believed our friends in that province to be numerous, the opinion was partly taken up on the general's own information. That this idea actually prevailed was certainly true, and that it was not erroneous, might be easily proved by the dispatches in question; for we found, that no sooner had the British forces occupied the province than a considerable body of loyalists rose, and were on their march to join them, when they were unfortunately intercepted by the rebels, and inhumanly murdered. Surely, after such an example, it was not surprising that the rest of our friends should be intimidated from rising till they were absolutely certain of protection; and it was not to be inferred, that there were no more loyalists in the province, because no others had attempted to join lord Cornwallis before the battle of Guildford. Could gentlemen point out any instance in the history of civil wars, wherein the spirit of loyalty was so very warm as to break out immediately after a terrible example like this, wherein men overlooked every personal consideration, and manifested their attachment to a public cause, careless of certain ruin to themselves? If they could, he would concur in any censure on the inhabitants of Carolina, for not paying with their lives the price of their allegiance.

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The hon. gentleman had also inferred, that this province was disaffected, because lord Cornwallis found a difficulty in subsisting his army. If such an inference was fair, a similar one might be drawn to prove them equally disaffected towards the Congress; for when general De Kaal, who immediately preceded Gates in the command, occupied the same province, he was reduced to the greatest straits for want of provisions, and was obliged to inform the Congress by letter, that, unless he was recalled from thence, or supplied with provisions from some other quarter, the troops would be famished. This difficulty had been experienced, in a greater or less degree, by every army that had marched through North Carolina since the commencement of the war, and arose from natural causes; for the province was large, thinly peopled, and only cultivated in detached districts; consequently, it was a matter of extreme difficulty to collect together regularly provisions enough for the subsistence of a large body of men, and the Americans themselves had always recourse to other provinces for victualling their armies; that of general Green, in the present instance, was subsisted from Virginia.

Thus the two chief grounds on which the hon. gentleman had questioned the loyalty of this province were shewn to be fallacious; for our disadvantage had arisen in one case from natural causes, and in the other from the violent measures of the enemy. This last was a superiority over us, which he did not envy them, but wished them ever to retain; it strongly marked the distinction between the different objects for which the two parties were contending, ours to reclaim revolted subjects, and theirs to establish the schemes of ambition, by the ruin of the parent state. They acted consistently with their cause, in violating the rights of humanity and the law of nations, in murdering their fellow subjects, because they differed from themselves in opinion; but to retaliate would be unworthy of the motive which led our armies into the field; it never could be enjoined by any minister, and he trusted, if it were, no British general would be found base enough to execute the order. This persecution, then, was an advantage, of which our enemies might always, if they pleased, avail themselves; but while it disgraced their arms, it also fully evinced the weakness of their cause, and the disaffection of the people at large, to the tyrannical yoke of rebellion; for no government would thus trample on humanity, if it was not absolutely necessary to its preservation; if it was not requisite to secure by force and terror that obedience which would not be paid from choice.

His lordship, in farther proof that lord Cornwallis had grounds to expect loyalists in North Carolina, observed, that this province, as well as its neighbouring one, had long been backward to take any active part against us. In the action at Guildford there were only two battalions from both the Carolinas, and these went off in the very beginning of the engagement, though only one man of their body had been wounded; but what was still more remarkable, though Congress had demanded of these two provinces 2,600 men from the one, and 2,800 from the other, as their quota of continental troops, not a single man had been granted.

The hon. gentleman had endeavoured to depreciate the victory of lord Cornwallis, by saying it was followed by all the consequences of a defeat; this was an extraordinary supposition, and could hardly be seriously made if the hon. gentleman considered one moment the grounds on which it was supported; for the most important good consequences clearly resulted from defeating the rebel army; and as to the movement of our forces afterwards, it was not, as he asserted, back again towards their former station, but across the country towards the sea; surely it was no symptom of defeat, because the general, unable to obtain supplies in an exhausted country, had recourse to his own magazines.

He proceeded to answer some other arguments of Mr. Fox, relative to the general conduct of the war, particularly the evacuation of Philadelphia, on which measure that hon. gentleman had been particularly severe. His lordship begged him and the House to recollect, that the march from Philadelphia was immediately consequent upon the promulgation of the treaty with France, and arose in the just apprehension of a French fleet being sent to block up the mouth of the Delaware. It was obvious that such occurrences as these must necessarily change the whole system of the war, consequently, that the capture of the city in question, and its evacuation, might both be measures of good policy. His lordship concluded by again professing his wish for the restoration of peace.

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He should never cease to lament the necessity of protracting a most expensive and unfortunate war, but though a pacification on honourable terms was what he ardently desired, he would rather encounter the most distressing difficulty than ever consent to renounce the right of sovereignty over America by an Act of the British legislature.

Sir *George Savile* observed, that the noble lord had supposed that America might yet be recovered, but by omitting to state the grounds on which this opinion was formed, he gave a pretty convincing proof that he believed America to be lost. He would not have forborne to state them if he had had any good reasons for his supposition. The only hope that the noble lord had ventured to hold out, a very poor one indeed, was, that this country had many friends in the two Carolinas, notwithstanding that they were afraid to come forward or to shew themselves, lest they should be overpowered and massacred by their inveterate enemies; which amounted precisely to this, that our friends were numerous in these provinces, but our enemies were much more so; or, which was the same thing, were more powerful. This was, in fact, to say that we had no friends; or that if we had any, their friendship was tame and passive, and consequently useless. The chief of the noble lord's other arguments were exactly of the same sort. His lordship tells you, said sir George, that the country is so exhausted, or the people so unwilling to dispose of their commodities, that no provisions are to be had; an acknowledgment of a most melancholy and alarming nature; but the noble lord consoles himself and comforts this House with observing, that the Americans felt the same distress when they depended for supplies on the internal resources of the country. The noble lord however, in his zeal for establishing a favourite fact, has furnished an unanswerable argument against what he so strenuously laboured to prove; for surely, by saying that a want of provisions was common to both armies while acting in the Carolinas, he destroyed his former assertion, that the British army was the most favoured. But the noble lord had said more, he had owned, that while the British army was starving in the midst of their friends, the rebel general Green was plentifully supplied from Virginia and the neighbouring colonies. These were the only reasons which the noble lord thought fit to assign for his expectations of future success, that lord Cornwallis and his army were starving in the midst of their friends, and Mr. Green well supplied in the midst of his; that his lordship's friends were afraid to declare themselves, and that for the best of all possible reasons; because if they should attempt it, they were sure either to be captured or be massacred in cold blood.—The noble lord, and several other gentlemen who spoke on the same side, had declared, that they wished for peace, and lamented the enormous expence incurred in the prosecution and the continuance of the war in very warm terms. Some of the gentlemen despaired of success; but they all agreed in one point—let the war continue, it must be prosecuted. The only mode, said they, of procuring a successful peace is the prosecuting an unsuccessful war. It was a generally received opinion heretofore, that a successful war was the forerunner of an honourable and advantageous peace, but now the proposition was reversed. It has been acknowledged repeatedly in the course of the debate, that we can never succeed by the way of arms. Well then, says the motion, let us see what may be done by treaty. No, say the very same persons, we will continue to try what we know cannot succeed, and firmly and peremptorily reject what may possibly succeed.

But the noble lord says, that offers have been tried; that propositions have been repeatedly made to no manner of purpose: no doubt they have, and would fail again if of the same nature; but the noble lord has forgotten the most material part of all the business; he has forgotten to add, that so much was offered at each time as ministers foresaw would be refused. While America remained contented to continue our subjects, no, said ministers, you shall not be our subjects unless you consent to be taxed. Then comes their petition of right; no, said ministers, we will not hear you; and so on, step by step, till at length the colonies declared themselves independent. Here he endeavoured to shew that no one concession was made but with a view to divide the people, and each effort having proved unsuccessful, then the noble lord who spoke last, returned to his original ground of unconditional submission; that is, the power vested in his Majesty's commissioners of declaring such a colony, town, district, &c. to be at the king's peace, when they shall have laid down

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their arms and submitted to the will of the conqueror.

He then spoke to the point of expence, and the enormous sums annually expended to no manner of purpose, or rather to the worst of all purposes, that of corrupting the representatives of the people; raising twenty millions annually, and distributing a very considerable part of it among the members of that House. While the noble lord who spoke last was employed in exhausting the best blood in the nation, the noble lord in the blue ribbon was no less industrious in draining the pockets of the people. This led him to speak of the late loan, which he branded with almost every opprobrious epithet in the English language; it was, he said, to the last degree corrupt, venal, and disgraceful; it was robbing and plundering the nation, in order to bribe with the spoil the members of that House, to persist in a conspiracy for the ruin and destruction of their country. It was saying in plain terms, we know you disapprove of this accursed, ruinous, and diabolical war; but it being necessary for the preservation of our power that the war should be continued, if you will raise thirteen millions on your constituents, you shall have one of them yourselves. He observed, that ministers had not only plundered the people, but their defenders and friends had publicly supported this right of plunder, and division of the spoil; for, in the course of the debate on the loan, he had been informed, for he went away early in the evening on account of sudden indisposition, that an honourable member, in reply to some observations made by his hon. friend who made the motion (Mr. Byng) maintained, that, to be sure, if there was any advantage to be derived from the loan, it was natural that the noble lord in the blue ribbon would give a preference to his friends. His hon. friend produced a list of those who were refused; he procured the ostensible list of those who were accepted of; and if he had succeeded in his motion for producing the names of the weak and tender-nerved gentry, who were provided for in the list, though their names were not inserted in it, he made no doubt but that such a scene of iniquity and public robbery would have been detected as never before disgraced the annals of any nation. He concluded with lamenting, with his hon. friend who made the present motion, that he did not expect the least success from his spirited and honest endeavours. He was convinced, that so long as it remained in the power of the minister, besides his standing resources and means of corruption, his places, pensions, contracts, &c. to call in to his aid a million sterling to be shared among his accomplices, that we must continue to be led on in the high road to inevitable destruction, while we had a man to fight or a guinea to spend.

Mr. *Charles Dundas* supported the motion. He said, the late accounts from lord Cornwallis were of a very melancholy and alarming nature; that while they announced victory, they were fraught with present disasters, and promised nothing butf uture defeat, and of course pointed out the immediate necessity of desisting from the farther prosecution of the American war; or if it were possible, upon the ground of the present motion, or any other of a similar nature, by the means of treaty, to endeavour to effect an accommodation upon the basis of mutual advantage, it was now, he was persuaded, too late to hope, or even think of any other mode. Coercion was now clearly become impracticable, and peace, upon almost any terms, had become infinitely preferable to a ruinous and unsuccessful war. He concluded with declaring, that he was totally adverse to the farther prosecution of the American war.

Mr. *Turner* said, he had heard with peculiar pleasure, the noble and manly sentiments of his hon. colleague, (lord J. Cavendish). He was happy in representing the same constituents, and they, in turn, ought to be proud of such a representative as the noble lord. He was present the night the noble lord made use of the expression his lordship had alluded to. He heard him say, as if speaking to the people of America, "If you are not contented to acknowledge our government, and remain united with us, in God's name go and prosper, and devise some other form of government, better suited to your genius and disposition, and more likely to render you happy." He was at the same time, and now, precisely of the same opinion with his noble colleague. He had been taught from his earliest days, upon principles of sound Whiggism, that all government was founded in compact, which compact was no longer binding than it was upheld by mutual consent; when, therefore, the noble lord at the head of the American department, and the noble lord in the blue ribbon, advised measures

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of force, and the former contended for unconditional submission, he had constantly set his face against it, and would that instant persist in doing so, even though the events of war had turned out as favourable as they had hitherto proved disastrous. The claims of this country were founded in cruelty, tyranny, and injustice. Providence had graciously over-ruled and defeated them; and almost every event which had taken place in the course of this ill-fated war, had been regularly predicted by the side of the House on which he sat.—A right hon. gentleman who spoke early (Mr. Rigby) had asserted, that every description of men in that House had supported the American war. It was false; it might not be parliamentary language, but he would repeat, it was false; he for one, never had, and never would. He abominated the war, and every measure that led to it, because he looked upon it to be a wicked war. The right hon. gentleman said likewise, that there was no opposition made to the Boston Port Bill. In this he was equally mistaken. He opposed it. Several other gentlemen opposed it. It was more than once debated, and it was not at so very remote a period but he could well recollect the mad and inflammatory language employed to render the members of that House as mad, as resentful, and as unfeeling as those who made use of it. He remembered one gentleman, since deceased (Mr. Van) in his zeal, chose and fought under the motto of *Delenda est Carthago;* let Boston be burnt, let it be razed to its lowest foundations. He remembered another learned gentleman (Mr. Dundas) recommended starvation as the most efficacious means of compelling America to submit to unconditional submission; and a third gentleman likewise, he believed, then in the House (Mr. Vyner) was so very sanguine, violent, and earnest in his wishes to subdue those proscribed rebels, as to make a tender of thirteen shillings in the pound out of his landed property towards effecting so wise and glorious an undertaking.—He next repeated the numerous provocations which had been given to the Americans before they could be induced to take up arms; the various acts of tyranny and cruelty which had been exercised over them in the progress of the war; and the more numerous arts which had been resorted to by ministers, in order to lead the nation into the war in the first instance, and to keep them in it when they had once embarked; but in spite of all the attempts which had been made to seduce and betray them at one time, to bully and subdue them at another, the people of America had nobly withstood them all; they deserved to be free, for they had fought for the preservation of their liberty; their enemies deserved to be defeated, and ruined too, for they had endeavoured to oppress and enslave men equally intitled to be free with themselves; but who, on account of their magnanimity, their patriotism, and their invincible bravery and resolution, were infinitely, as men and citizens, more deserving of liberty.—In the whole progress of this wicked business, he could safely lay his hand on his heart, and aver, that he never gave a vote, directly or indirectly, for even countenancing, much less supporting, the American war. If the farther prosecution of it was likely to promise success, he would still remain equally averse to it; but as no such prospect was, or could be held out, or even looked for, he had additional reasons for giving his vote for the motion. It would be a free and unconnected vote, for he was a total stranger to any connection but that which had the prosperity of his country for its final object, and the preservation of the constitution for its basis. The King, ministers, nay the very parliament itself, were constituted for the benefit of the people over whom they were placed, not for the aggrandizement of their governors. When, therefore, people talked of power, and of resistance to it, they must mean right, for there was no legal or constitutional power which was not founded in right; nor any right which was not ultimately for the benefit of those who by compact, or common consent, created that right in the persons of their governors, as sanctioned, explained, or marked out by the essential forms of the constitution. He alluded to the scandalous peculation, and waste of money, which had happened by the management of the last loan. He highly approved of the language used by the hon. baronet who spoke lately, and charged the noble lord in the blue ribbon with abusing the trust reposed in him, and diverting the monies which had been voted for the public service, in bribing the representatives to betray interests of the dearest and most important nature.

Lord *Howe* called upon the noble Secretary of State for the American department, to explain a particular expression made

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use of by him. He had, he said, taken a note of it while the noble lord was speaking, and lest it had not been correctly taken, with his lordship's permission, he would read it. The noble lord's words, as he understood them, were, "that there was no good ground for charging administration with having received bad information, and upon that information, having misled lord Cornwallis, for supposing the King's servants had been misled, or misinformed, so had the noble lord at the head of the North Carolina army; for the noble lord had, as well in all his private as public dispatches, held out his most favourable expectations, and had represented the inhabitants of the Carolinas as generally loyal, and extremely well disposed to the royal cause." He thought it necessary to have this matter cleared up, because, though he did not suppose the noble lord had the most distant wish to retract what he had said in so full an assembly, yet he thought upon a subject which he deemed of so singular importance, it would be every way more proper, that whatever was said should be explained, and whatever was explained should be perfectly understood in the sense it was really intended. He found himself personally interested on the present occasion, as well in a public as a private character. He stood in a situation which, he thought, made it necessary for him to explain the ground and motives of his conduct while acting in the double capacity of a naval officer and one of his Majesty's commissioners for restoring peace to America. The matter of explanation he now called for, might apply to him on the general principle, though, perhaps, not affect him as an individual. It was true, the moment was not yet arrived when it became, in his opinion, necessary to enter into particulars; but he foresaw, that probably a period would arrive when it might be otherwise. He anxiously waited for that period; and, in the mean time, took this opportunity of endeavouring to draw forth from the noble lord at the head of the American department such declarations of his sentiments as might be the means of preventing all future misunderstandings or uncertainty, should it hereafter become necessary for him to explain to that House the motives of his conduct while acting in the character of one of his Majesty's commissioners.

Lord *G. Germain* wished to be perfectly understood by the noble lord: what he said was this, which was in answer to the hon. gentleman who made the motion, respecting the presumed bad information which had been received from hence, and the bad consequences which proved the result of that information: "that if any improper or mistaken information had been transmitted by the King's servants here, it could not have been the means of misleading lord Cornwallis; because the noble lord, whatever intelligence he might have received from his Majesty's servants, respecting the disposition of the inhabitants of the provinces within which he was destined to act, had, in every dispatch or communication he had made to government, held out the most sanguine expectations, that the people of the two Carolinas were firmly attached to the King's government." He was led, he said, to understand the noble lord in this way; that administration were at least as much induced to expect, that the inhabitants of North Carolina would have joined the King's standard, from the dispatches of lord Cornwallis, as from any information they had received at home. Most certainly, as lord Cornwallis was on the spot, as he must be presumed to have known the disposition and temper of the people in those provinces, the expectation of ministers was fortified and confirmed by the tenor of his lordship's dispatches. In this sense he wished to be understood; for though his lordship's sentiments might not be, nor were the original foundation of the expectations formed on this side of the water, they most certainly amounted to a full confirmation of what otherwise might have appeared doubtful or problematical.

General *Burgoyne* heard, he said, with no small degree of astonishment, the language held by the noble lord at the head of the American department; nor should he have rose, but to animadvert upon some assertions and arguments used by the noble lord, which he knew himself were unfounded in fact, or fallacious in point of deduction. That this country was deceived by ministers from the very outset did not now call for proof, the matter was self-evident, from the state and progress, as well as origin of the war; it was pronounced in terms the most unequivocal and decisive; yet that ministers, at this stage of this disastrous business, should have the confidence to perpetuate the same plan of imposition and delusion, he confessed, created in his mind the most perfect astonishment. It was a question of some doubt with him, whe-

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ther more to wonder at the hazardous confidence of those who contended that America was still recoverable by force of arms, or at the blind credulity of the nation, who, after having for such a series of years been disappointed, could still continue so infatuated as even to listen, much less rely upon assurances, which could only originate in the ultimate extreme of knavery, or of the most consummate folly.

Considering the capacity he acted in, and the considerable share he had in the prosecution of the American war, it might be urged, with great seeming plausibility, and urged home upon him, that as a senator and a professional man, he had approved of the justice of the war, and undertaken, in part, to bring this necessary contest to a successful issue. He had apparently done so, he was ready to acknowledge; but as no better opportunity might present itself in the course of the session, he craved the indulgence of the House while he endeavoured to explain his conduct, as well respecting the motives which induced him to take the part he had done in that House, as the ideas which prevailed in his mind when called upon by his Majesty in his professional capacity, as bearing the King's military commission. He was ever of opinion, that this country had no right to raise taxes upon America, and if upon no other ground but this, that it had never raised taxes, or attempted it. Custom was law in this instance; it declared the constitution; and the mode of requisition hitherto adopted by this country, and acquiesced in by the colonies, constituted a kind of original compact, which, so long as both countries continued united, was binding upon them in his opinion, or upon neither. So much for the justice of our claims, and the expediency of enforcing them by laws and regulations, whether applied to internal or external taxation.

These were the sentiments of a private individual, unconnected with any party; they might be well deemed the speculative opinions of a speculative man. It was very unnecessary for him to follow the right hon. gentleman on the floor (Mr. Rigby) in his historical narrative of the different measures pursued by different administrations respecting America; or the particular or ostensible parts several persons of the first rank, character and abilities, had taken in the transactions of those times: a period arrived, however, when a majority of that House, with the King's servants, and perhaps a majority of the nation, (for the claims of this country were deemed popular) thought it necessary and expedient to pass a law for enforcing a claim upon the distinction of external taxes, or port duties, opposed to the taxes levied within the country. The attempt was made, and the consequences were recent in the minds of almost every gentleman who heard him. The colonies endeavoured to defeat those regulations; ministers persisted in trying to carry them into execution; the final result of all which was, that a most violent riot broke forth at Boston, and afterwards in other of the colonies, soon followed by other circumstances, which clearly denoted a spirit of fixed resistance, by force of arms, if necessary to proceed to extremities. It was not for him, standing as he did, to argue upon the mere point of expediency; the nation in general seemed to resent this insult, as it indicated a seditious, if not a determined purpose to strike at the dominion of this country, and the supreme and controuling power of the British legislature.

It was just at this instant he was called upon, as a senator in that House, to declare his sentiments, which, whatever they might be as to the mode of deriving financial advantages from America, which, in his opinion, were of the very essence of government, certainly pointed out to him the propriety of maintaining our claims in one shape or another, and, in the first instance, of supporting our authority and the power of government. In the course of delivering his sentiments in that House, he had expressed some opinions that might, or might not, for aught he knew, have been well thought of by administration. Be that as it may, he found himself called upon by his sovereign, he presumed, through the channel of ministers, for he could pledge his honour, by no direct or indirect application of his own, to render such services in America, in his military character, as he should prove capable of. He had no option of his own; he accepted of the proffered honour, and went cheerfully to America, to discharge what, in the then state of things, appeared to him to be the united duties of a citizen and a soldier; he went, with a sanguine hope, that matters might possibly be yet accommodated upon fair and constitutional grounds; or, if the colonies should persevere in measures

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clearly indicative of an intention to dissolve the bonds which held them and the parent state together, that in that case, melancholy and disagreeable as such an alternative must prove, this country, thus insulted and resisted by her own subjects, should exert her power in compelling obedience to the constitution and the laws, which might be thus trampled upon and violated. With this intention he went to America; and he went there with some degree of confidence, no less from the information of ministers, that we might not be compelled to have recourse to arms to any great extent or long continuance, than that if we should, such vigorous, timely, and powerful exertions would be made on our part as would promise to put a speedy and fortunate termination to this unhappy, but necessary contest. But when he got to America, he found the reverse of this to be the case in almost every instance which came to his knowledge, the promises and predictions of ministers proving equally illusory and ill-founded. Our armies were neither so numerous as it was represented they would be, nor were they sent out in time; nor did the people who opposed the King's government, at all resemble the description which had been given of them in that House by the King's servants. The very first spectacle which presented itself to him was a melancholy one, and gave directly the lie to every thing he had before heard upon the subject.

He should not abuse the indulgence of the House farther, nor enter into a minute recapitulation of what followed, and which had been much more pointedly and ably stated by his hon. friend who made the motion than he could possibly pretend to do; it was sufficient for him to come to the point of explanation respecting his own particular conduct, when acting in some measure in a separate or responsible capacity, and apply what he had collected from his own experience to the question now before the House. He should not enter into particulars which had been so often fully stated and discussed in that House, more especially as they concerned himself; he should, therefore, barely confine what he had to say to such only as related to the exact similarity between his situation and that of the noble lord at the head of the Southern American army.

When he passed the confines of Canada, and was to enter into the province of New York, he was assured by the noble lord at the head of the American department, that he would have numerous and powerful friends to join the British standard; that he would meet with no resistance of any consequence; that he would be partly subsisted within the country, &c. These were the self same assurances given to lord Cornwallis: but what was the reception he met with? a most powerful resistance, in the course of which, the most dauntless bravery and the most obstinate and firm resolution were displayed; he met with troops of timid, or rather, in the words of his hon. friend who made the motion, of treacherous friends, and hosts of powerful and inveterate enemies. Like lord Cornwallis, he issued a proclamation fraught with threats in case of disobedience, and benefits in case of acceptance, to the inhabitants of the country through which he passed. He either must have passed through the country without stores or provisions, and run the risk of famine, or, as he did, wait for his baggage, and consequently the supply of provisions which he had with him. There were in the province of New York a few friends; but whenever they made a shew or appearance in his favour, or attempted to join him, like the ill-fated Carolinians, they were attacked, captured, and cut off, or had fallen a sacrifice to the resentments and revenge of their brethren. There were other features of his expedition equally common to both. One was, that of false intelligence. The day before the affair at Bennington, he had every fair prospect of success; but the treacherous conduct of timid friends, which led him to make that diversion, totally defeated every one of his efficient plans for pushing forward. Like the rebel Southern army too, while he drew all his supplies from Canada or Britain, the army opposed to him were in general plentifully supplied. An instance of a very striking nature of this kind had come to his knowledge, which was, that they drew their stores and provisions several hundred miles distant, though the road by which they were conveyed was in part within the countries then in possession of the British troops; nay, so certain were they of the attachment of the inhabitants throughout the whole route, that there was not so much as a single file of men sent with them to protect them; on the contrary, they had no other assistance or protection but what the drivers of the carts or waggons might be supposed to give. This, though appa-

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rently a trifling circumstance, served to convince him more than any other of the temper and disposition of the people at large, and of the confidence the Congress, and those who derived their power under them, reposed in the people.

The noble lord at the head of the American department said, in extenuation of himself, that if bad or ill-founded intelligence had been received on this side of the water, and from hence transmitted to lord Cornwallis, his lordship had, in all his dispatches, confirmed the King's servants that they had been well informed; as he held out in all his public and private correspondence with ministers, that he was entitled to form the most favourable expectations of the zeal and co-operation of the loyal inhabitants. It was of no great consequence in the event which party had been misled; but it was of infinite consequence to the nation, and to lord Cornwallis as an officer, that the former should not be abused or imposed on, nor the latter grossly injured in his character as a soldier.

He must confess he had his doubts on the subject; he had himself made private communications respecting the state of affairs on the spot, which might not have been prudent or proper to publish; he complained of the inadequacy of his force, and stated the disappointments he had met with, and the more that were likely to follow. That House was not in possession of the whole of lord Cornwallis's dispatches, nor perhaps would it be proper they should; but this point he was desirous to imprint particularly on the sense of the House, that the situation of a general was delicate and critical. He is induced to promise or give hopes of success, upon certain conditions: those conditions are not performed; but the promises made in consequence of the eventual performance of them are quoted, while the breach is concealed. He experienced this in his own case; he doubted it was equally applicable to lord Cornwallis; and he was the more convinced of this from a circumstance which came vouched to him upon the very best authority, that lord Cornwallis had not more than 1,500 men under his command, whereas if the truth was fairly disclosed, it would be found that he was taught to expect double or treble that number; so that allowing the fact so confidently stated by the noble lord to be true in all respects, that the British standard had numerous friends in North Carolina to resort to it as soon as erected, and that lord Cornwallis had held out similar ideas in his dispatches, and upon that presumption held out sanguine expectations of success, the failure and disappointment might nevertheless be imputable to ministers, or be brought home directly to the noble lord at the head of the American department, because he had not performed his promise or fulfilled the conditions on which lord Cornwallis had founded his expectations; namely, that of having under his command 5,000, instead of 1,500 men. Indeed, putting the mere issue of the battle out of the question, every gentleman must conceive, that if our friends were not protected, detachments spread through the country, and posts occupied, the operations of the army, and the effects, would always be confined within the lines, or to a very small circle round them. He concluded, by observing that it would be needless to trouble the House with arguments to prove that the southern campaign in America was nearly terminated, at least so far so, as to put an end to all expectations of any farther solid advantages. If so, he believed he should not be opposed in saying that the loss of America was inevitable. The Gazette bore the most indisputable evidence of it, and after the very pointed, but obvious comments made on it by his hon. friend who made the motion, if any man still retained a doubt concerning the event, he would make a proposition which would bring the matter to a final issue. He would move for leave to call captain Broderick, the officer who brought over the Gazette dispatches, to the bar; from whom, as a man of honour, he would undertake to draw forth such information as would fully convince the most prejudiced political sceptic, that the war in North Carolina was now as impracticable as it had proved throughout every other province into which the British arms had been carried.

Mr. *Hartley* agreed with the noble lord (G. Germain) that the motion intended for the committee was substantially the same as that which he had had the honour to move but a few days before. He thought, however, that the present motion came more strongly recommended than the former; for to all the previous experience which we had had, there had been added the evidence of the late Gazette. When he moved the House, there were reports in town, that lord Cornwallis had gained a signal victory over general Green,

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and that the most fortunate and decisive efforts in our favour would probably follow that victory. The arguments used against his motion were, that it would be improper to shackle the hands of ministry in the full tide and current of success; that such a conduct would carry about it every appearance of public insanity; that those who conquered were the fittest to make peace; and that it would be time enough to talk of peace when every other means had failed, or when all other expectations of success were destroyed. That period was now arrived; the signal victory and all the golden dreams and fanciful ideas which it had created in the minds of his Majesty's ministers, had, like all other illusions of a similar nature, entirely vanished. The noble lord at the head of the army in that country had himself said as much. The noble lord said, he had got among timid friends and inveterate enemies; that he could procure no information; or that the little he did procure, was given with an intent to mislead and ruin him; and that his army had like to have perished by famine. On this clear ground, then, the question now stood; and he called upon ministers either to agree to the motion, or publicly acknowledge that the arguments used by them on a former day were not founded in their real sentiments, but merely taken up on the spur of the occasion, to defeat his proposition, without his having the most distant idea of future success.

Mr. *Adam* said that, in his opinion, all the arguments made use of to prove the impracticability of the American war, or improbability of coercing America, however well founded, were either extremely irrelative or premature. Hitherto, in times of the highest prosperity, when the public affairs were conducted with the greatest wisdom, and when our arms proved victorious in every quarter of the globe, it was the policy of that House and of parliament to leave the discretionary exercise of the executive power free and unrestrained, where the constitution had very fitly placed it; namely, with the crown, or rather with those subordinate instruments which it might think proper to employ. It was on this account chiefly, that he thought it his duty to oppose the present motion. It might or it might not be prudent to make peace with America, even on any terms; that, however, as he understood the hon. gentleman's motion, was not the question before the House; but merely, whether the crown should be divested of its constitutional prerogative, in order that parliament should step in and do that, no matter whether right or wrong, which the constitution had ordained should be executed by the king himself or his ministers.

This being the true state of the case as it had struck him, he should consider it in that light, and that only. The Gazette might admit of the interpretation put on it by the hon. gentleman who made the motion, and by several other hon. gentlemen who spoke on the same side. It might be literally true, what the hon. gentleman who spoke lately asserted, that there was an exact similitude between the hon. gentleman's situation and that of lord Cornwallis; it might be farther true, that America was irrecoverably lost, and that the prosecution of the war in that quarter would be attended with a ruinous expence to no manner of purpose. All this might be the case, though he was, in his present mode of thinking, extremely disposed to doubt, if not absolutely deny it; and yet, allowing the arguments on that side of the question to be totally unanswerable, he should still be equally against the motion. It would effect no change in his sentiments, though every and each of these facts had been verified at the bar, either upon the general argument, or the supposed circumstances which some gentlemen seemed to think took the present case out of the general rule.

It was, he believed, acknowledged by every gentleman on either side of the House, at least he would so presume, that it was the undoubted prerogative of the crown to declare war and make peace. The matter, then, to be decided was, whether there was any thing in the present war which might justify or rather create a necessity for deviating from this established rule? He had not heard a syllable, directly or indirectly, to prove the ground of such a necessity; the whole that he heard was, that the war was become impracticable, and therefore that the House ought to address the crown to make peace. This imported, in his apprehension, that the crown or its ministers had neglected, or were incompetent or unable to perform their duty. To this he would say, that before he could give his voice in behalf of the motion, some proof of the actual neglect or inability of the crown or the king's servants ought to be adduced. Not having heard any thing more than general

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censures, unsupported by proofs, or any thing which bore the most distant resemblance of proofs, urged from the other side of the House, this circumstance alone was sufficient to support the negative he intended to give the motion.

After having very fully argued this point in the abstract, he proceeded to elucidate his argument by referring to historical facts. He said, that during the most happy and successful periods of our history, it had been a constant rule for the legislature not to interfere with the exercise of the executive power; and when parliament had taken up an adverse line of conduct, the evil effects never failed of being severely felt. In particular, during the reign of that most able statesman, celebrated warrior, and magnanimous prince, William the 3d, that monarch's attention, among others of an inferior nature, was specially attached to the affairs of Ireland. Parliament interfered on the occasion, and controuled the executive power. This unconstitutional controul was no sooner exercised than the bad consequences arising from such an improper and unconstitutional interference were immediately felt. It was felt for a time only to be lamented: our affairs in that island every day grew from bad to worse. Those who perceived the true cause, the unconstitutional and impolitic interference of parliament, reasoned then as he did now, and truth and sound policy at length triumphed over a factious or mistaken zeal. It was not till early in the year 1691, that king William was left at liberty to act consonant to his own sentiments and that of his council. He was prevented in some measure from conducting the affairs of that country agreeably to his own judgment. As soon as those impediments were removed, the English affairs there began to prosper, and continued in that state till that country was intirely reduced, and peace was restored on safe and honourable terms. The case was the same in several other particulars, which he deemed needless particularly to advert to; and must always be so, whenever the legislative, unless in an instance of extreme or notorious necessity, attempted to controul or usurp those powers which the constitution had lodged in the sovereign and his immediate advisers. If the present argument were applied to the question before the House, he was convinced it was impossible it could ever be more aptly applied. If peace with America upon her own terms was become absolutely necessary, there was an end of the present business; the interference of parliament was consequently useless; because, what ministers might do without the sanction of parliament, they could only do with its permission. If, on the other hand, negociation or treaty was to supersede a state of hostility; or if terms were to be made or procured, ministers would have infinitely a better chance of succeeding while at liberty to treat, negociate, and agree upon conditions, than if having their hands tied up by a vote of that House, they should find themselves as it were bound by that vote.

Mr. *Martin* said he could not sit silent while it was said in his hearing, that the American war was a popular war. He could affirm the contrary with confidence. That there were very great majorities in that House who voted for it, he was ready to acknowledge; but that there was a majority, even a pretended majority without doors, who were for entering into this bloody, this unnatural and disastrous war, was what he would ever deny, because he knew it to be every way false and ill-founded. He well remembered the arts and industry used by ministers, their tools, and emissaries, to procure what they flattered themselves would stamp this accursed war with a semblance of popularity; but he remembered likewise the inefficacy of those several attempts. He recollected that their most strenuous endeavours brought forth but a few English addresses, while all Scotland, nay every little petty borough from one end of that kingdom to the other, was searched, and adulatory addresses, fraught with sentiments of blood, slaughter, and revenge, were presented at the foot of the throne—to the fountain of mercy! He totally revolted against the idea attempted to be impressed on the House by the right hon. gentleman (Mr. Rigby), that all administrations, and all descriptions of men, in that House and out of it, had been friends to the American war. He could with confidence contradict him, and put him to the proof. The right hon. gentleman had said, "so did this administration, so did that;" but he defied that gentleman or any one of his friends, to adduce a single instance to prove that any one of the persons, parties, or descriptions of men to whom he had alluded, had either directly or indirectly given a sanction to the measures which had actually produced the American war.

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Mr. *George Onslow* said, he disapproved of the Stamp Act at the time, and opposed it because he thought it unconstitutional. He had approved of the Declaratory Law, because he thought it constitutional; and he had ever looked upon the Port Duties Bill as a measure founded on the basis of the Declaratory Law, which was meant as an assertion of the constitutional claims of this country over North America. So that, as applying to the respective political sentiments of all parties, he was persuaded the present war with America was founded in justice, not only upon the principles of the constitution itself, but as sanctioned by every set of men in power since the commencement of the present reign.—He then proceeded into narrative, and seemed to be of opinion, that the colonies would long since have acknowledged the dominion, as well as confessed the power of the parent state, if the measures adopted on this side the water had been ably or faithfully carried into execution. The period for substantial success had, he feared, completely passed away. Hopes, however, might still be retained if this country was united. At all events, the resources of Great Britain were great; its fleets and armies in some measure invincible; and whatever other gentlemen might think, he was firmly persuaded, that we wanted nothing to insure us success but union among ourselves, and its constant concomitants, firmness, confidence, and resolution.

Mr. *Bankes* spoke very ably and spiritedly in support of the motion, and made several pointed observations on what had fallen from the opposite benches. He would never allow, that the war with America was a popular war, conducted to the extent, and in the manner it had been. The nation had been deceived into it, and the Americans had been compelled, on principles of self-defence, to have recourse to arms. If the offers made in 1777, by the British parliament, had been tendered in 1774, or indeed at any one period previous to passing the vote of independency, the war would never have happened; or even if the Americans could have safely trusted to the security of the administration who held out the terms in 1778, he believed that the people of that country might have been prevailed upon to rescind the vote of independence, and break off or dissolve their connections with France.—He was extremely severe on the conduct of ministers, respecting the promoting the American war in the first instance, and their total inability in carrying their own plans, crude, ideal, and defective as they were, into execution. He dwelt for a considerable time on their apparent want of information, on the ungenerous means they had recourse to, in order to vilify and blacken the character of every professional man they employed, and the various arts used to throw the odium justly due to their measures upon men who had been so credulous as to trust to their assurances of assistance on the other side of the Atlantic, and of their protection on this. It was urged with much force, why divest the crown of the exercise of the executive power, without some proof of abuse or misconduct; or that having had it in their power to make peace with America, ministers had neglected it. That this was most extraordinary language, he would appeal confidently to ministers themselves; for he was certain, were they to answer, they would acknowledge, that from the day the disturbances broke out in Boston to the time that the contents of the Declaratory Act had reached America, there was not one session passed, in which ministers might not have procured much better terms than those which they were afterwards obliged to offer, and which were accompanied with such circumstances of national degradation and disgrace. Experience had proved that ministers were no longer to be trusted in devising proper means for restoring peace to this bleeding country, supposing peace to be attainable: the present motion was only intended to pave the way to it upon the possibility that it might be attained; if it could not, parliament, the nation, the ministry, would just find themselves where they were before. For these and several other reasons, he was fully persuaded of the propriety of adopting the hon. gentleman's proposition.

Mr. *William Pitt* rose next, and very particular attention was paid to him. The question had been loudly called for by a particular description of members, but on his rising, all sides of the House were silent, and paid him the respect that was due to his abilities and to the occasion of his rising. The hon. gentleman said, that he was induced to rise from certain expressions that had fallen from a right hon. gentleman on the floor (Mr. Rigby) and another gentleman on the other side of the House (Mr. Adam) respecting the

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ministerial and legislative conduct of a near and dear relation of his (lord Chatham) with regard to the American war, and the progressive measures which had produced it. He thought it his duty, as the son of that noble lord, and as a member of that House, to rise upon the occasion to correct the gentleman who had spoken, and to prevent the House from going away under a persuasion that the conduct and sentiments of the noble person were such as had been described. The silence of a person so nearly allied in blood and affection might seem to countenance what had been so confidently but erroneously stated. There might be many gentlemen in the House who were well acquainted with the political opinions of that noble person. To them no refutation of the assertions of this night would be necessary; but there might be some who were perfectly ignorant of them, or who, knowing them but imperfectly, might be deceived by misrepresentations, perhaps unintentionally made.

Actuated by these motives, he thought it incumbent to state his relation's opinion, as it appeared in his public conduct, and as it came farther confirmed by private communication made to himself and the rest of his family. The noble person whose name had been so often mentioned in the course of the evening, most heartily reprobated the American war in all its parts, as well on the principle on which it was taken up as its progress, and the ultimate objects to which it pointed. He had expressed himself uniformly so on the subject, and he was persuaded never gave a vote or opinion in contradiction to those sentiments. Those who acted with him well knew it; there were many living testimonies of the truth of this assertion, and innumerable circumstances could be adduced, if farther evidence were required.

The only opinion declared by him, which could have afforded the most distant colour for such an assertion, was, that he thought this country had a right to lay duties for the regulation of commerce, duties incidental to the extension of trade, calculated for the mutual benefit of both countries; but not a single tax or duty of any kind for the purpose of raising a revenue in America, to be remitted home, and to be disposable by the British parliament. This, however, was but a speculative question, totally different and distinct from the doctrines which were productive of the war. Those at least which produced the riot at Boston, from whence it was acknowledged by every side of the House the war originated, did not come within the above description. They were taxes upon the import laid on expressly by the British parliament, collected under its authority, and intended for the British treasury; and were not even pretended to hold out any advantage te both countries, but to one only; neither were they directed to promote or extend the commerce of America, but merely to draw out of the pockets of the inhabitants of that country certain sums of money for augmenting the revenue of this. These were the true and genuine sentiments of the noble person alluded to; to assert, therefore, because he approved of one mode of conduct, which was not adopted, that he approved of another system, which he had so frequently and openly reprobated, was a most extraordinary kind of logic indeed. But he could not think that those who argued in this manner expected to bring home conviction to the breast of any man who had not before been made a convert to their opinions.

After explaining his noble father's principles and conduct, in a strain of the most persuasive eloquence, he proceeded to speak to the question. He said, some gentlemen had passed the highest eulogiums on the American war. Its justice was defended in the most warm and fervent manner. A noble lord, who spoke early, in the heat of his zeal had called it an holy war. For his part, though the hon. gentleman who made the motion, and some other gentlemen, had been more than once in the course of the debate severely reprehended for calling it a wicked or accursed war, he was persuaded, and would affirm, that it was a most accursed, wicked, barbarous, cruel, unnatural, unjust, and diabolical war. It was conceived in injustice; it was nurtured and brought forth in folly; its footsteps were marked with blood, slaughter, persecution, and devastation; in truth, every thing which went to constitute moral depravity and human turpitude were to be found in it. It was pregnant with mischief of every kind, while it meditated destruction to the miserable people who were the devoted objects of the black resentments which produced it. The mischiefs, however, recoiled on the unhappy people of this country, who were made the instruments

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to effect the wicked purposes of its authors. The nation was drained of its best blood and of its vital resources of men and money. The expence of it was enormous, much beyond any former experience, and yet, what had the British nation received in return? Nothing but a series of ineffective victories or severe defeats; victories only celebrated with temporary triumph over our brethren, whom we would trample down, or defeat, which filled the land with mourning for the loss of dear and valuable relations, slain in the impious cause of enforcing unconditional submission, or narratives of the glorious exertions of men struggling in the holy cause of liberty, though struggling under all the difficulties and disadvantages which are deemed the necessary concomitants of victory and success. Where was the Englishman who, on reading the narratives of those bloody and well-fought contests, could refrain lamenting the loss of so much British blood spilt in such a cause? or from weeping, on whatever side victory might be declared? Add to this, that while in this melancholy consideration we could perceive nothing but our natural and powerful enemies, or lukewarm and faithless friends, rejoicing in our calamities, or meditating our downfall.

He said he had taken the present opportunity of delivering his sentiments on the American war. There was not a point of view in which he considered it: there was not a feature which presented itself to his notice; but served more and more to confirm him in the opinion he had early formed concerning its destructive tendency; and he trusted the present opinion he had given would be received as it was sincerely intended; as fully expressive of his principles so far as they might be applicable to the American war in all its future as well as former stages.—He made several detached observations on the grounds and motives on which the hon. gentleman had supported his motion, but seemed chiefly to rest his arguments on the injustice of the war in its outset, the innumerable mischiefs it had been already productive of, and the still more fatal events it might bring with it, if ministers or the nation should persevere in urging a war, which, whether successful or not, ought not to be farther pursued, because it was totally subversive of the true constitutional connection by which both countries were united.

The *Lord Advocate* of Scotland (Mr. Dundas) said, as it had been the fashion that night for gentlemen to rise and deliver their political creed, he found himself obliged on account of some things which had fallen in the course of the debate to follow the example. He knew it was disorderly to advert to matters that had fallen in a former debate; yet the rule was almost every day transgressed, and had been particularly so with respect to him by an hon. gentleman on the other side of the House. An hon. baronet who spoke early had said, that he understood that in the night of the debate on the loan, a learned gentleman had maintained in argument, that if any advantages were to be derived from holding sums in the subscription, it was natural and justifiable for the noble lord in the blue ribbon to distribute those benefits among his friends in preference to those who were known or suspected to be adverse to his measures. Though the hon. baronet reported this only from hearsay, he was ready to acknowledge that the hon. baronet had been well informed. The person supposed to use the words was himself. He made use of the expression, and he was ready to repeat it; for he was still of opinion, that if any advantages were to be derived from the loan, advantages incidental to its nature, and which could not be provided against, the noble lord in the blue ribbon had a right to use his discretion, and distribute the advantages among his friends in preference to his opponents. The hon. baronet might, as often as he thought proper, bestow every ignominious epithet upon the loan, and upon every person concerned in it, or who defended it; it would occasion no alteration in his sentiments. He was proud of being one of its defenders, and should continue to do so upon the principles on which he first took it up: that it was the best bargain in the then existing state of things that could be made for the public, and when the bargain was made, that the minister was fully justified in such a distribution as appeared most agreeable to him.

Another hon. gentleman (Mr. Turner) among other instances adverted to by him, to prove the violence and blind zeal testified by several individuals in that House, in urging measures of coercion, and endeavouring to precipitate this country into a war with her colonies, had alluded to an expression supposed to have fallen from him in an early stage of the unhappy dif-

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ference. He said, that starvation had been recommended as the most efficacious means of reducing the colonies to submit to unconditional submission. He did assure that hon. gentleman, he was totally mistaken both in the fact and the application. If ever he had used the word starvation, it was not in any debate respecting the American war. He might have used it, it was a provincial word; and if he had not the good fortune to be so great a master of language, as to possess such a share of classical epithets and elegant expressions as the hon. gentleman, he trusted that the hon. gentleman and his friends would not impute that to him as a crime which could only arise from his not having the good fortune to be born on the south side of the Tweed. It was to be sure disorderly to refer to what had passed in a former debate; particularly, when reference was had to a period so far distant, but as well as his memory could serve him, if ever he made use of the word starvation, it was not in relation to America, but in a debate on the disfranchisement of the borough of Hindon, or the punishment of some of the electors who had been charged with criminal conduct at the preceding general election. If gentlemen, however, thought proper to divert themselves at his expence they were exceedingly welcome: if they loved the joke, in God's name let them enjoy it, he should have no reason to complain; the motive which induced him to take notice of it, was not to spoil the jest, but only to lay in his claim, that in future, honourable gentlemen would please to do him the justice, when they descanted on the word, to attend more faithfully to the application, and not lay it down as a fact, that when he recommended the reducing the colonies to terms of unconditional obedience, he had pointed out so horrid a means as that of reducing them by famine, or in the adopted language of the hon. gentleman, by starvation.

The same hon. gentleman had spoken to another point, in which he believed he was equally mistaken. It was customary with gentlemen to confound times and circumstances for the purpose of holding him out in a particular light, as being one of the early promoters of the American war, and one of the most zealous abettors of it in that House. He wished that the hon. gentleman had been more correct in his assertions. He would tell the hon. gentleman what perhaps he might deem unworthy of his notice, that he was not in parliament when the Boston Port Bill was passed, nor when any other of the measures of force which accompanied that act, had received the sanction of parliament. He had not the honour of a seat in that House before the last general election but one; consequently, all the circumstances which the hon. gentleman mentioned, of the furious zeal expressed in different terms, by some of the individuals of the preceding parliament, could bear no more relation to his conduct at a subsequent period than to that of any other person in the two kingdoms, who might or might not arrive to the honour of a seat in that House. But said, he begged leave to explain himself, that he by no means wished to forego the merit, or avoid the demerit which was due to those who were most zealous in wishing to inforce the just constitutional claims of this country over her revolted subjects; all he intended or desired to impress upon the minds of his auditors was this: that he had no share as a senator in promoting those measures of policy or coercion which operated as the beginnings, and in fact finally produced the American war.

It was the fashion, as he had said before, for every gentleman who rose to make a confession of his political faith, or subscribe to a kind of political creed; he trusted that he should be indulged in turn, and that the House would favour him with the same degree of attention which he had shewn to other gentlemen, who had thought proper to explain the principles upon which they had acted. He had entered the House, he could affirm, as an unprejudiced, unconnected man, without any more predilection for ministers than for their opponents. He could lay his hand on his heart, and with truth affirm, that in considering the question respecting the claims and rights of the mother country and her colonies, he formed his opinions upon the subject abstractedly, in respect of parties and individuals, and weighed and decided upon the question in dispute, clearly and exclusively, on the merits, and acted upon no other opinion but his own; neither was he warped by any other man's, however high or respectable at any side in either House.

What was the consequence? he waited till some of the greater and leading points had undergone a full discussion, and then made up his mind upon the subject, and thence, from the moment conviction had

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reached his heart, he had never, to the present minute, swerved a tittle. He thought, that as soon as America confided in arms, in order to maintain the justice of her cause, Great Britain was called upon to exert all her powers and strength in order to reduce her subjects in that country to acknowledge the sovereignty of the British legislature in as full and ample a manner as it had heretofore exercised and enjoyed it; and till that acknowledgment was obtained, never to cease prosecuting her rights. The ideas the noble lord who spoke early (lord J. Cavendish) entertained of government were very different from his, he must confess: he recommended to let the Americans go and prosper, as soon as they revolted: for his part, he was against the hearing of any treaty or concession whatever till after the right was as publicly and as unequivocally acknowledged as it had been traitorously and seditiously denied. Under this persuasion he voted with the minister upon every great question, because he thought it his duty, and never differed with him till his lordship had, in his opinion, very improperly departed from the system which he had now described, namely, that of offering terms to our rebellious subjects so long as they continued in arms.

He hoped he had acted candidly; he trusted he had acted consistently, when he publicly disapproved of the conciliatory proposition moved by the noble lord in the blue ribbon. He recollected he was one among a very few that night who had the fortitude to resist it. He remembered one other gentleman, no less esteemed for his long parliamentary experience than for his political knowledge and independent integrity, who stood forth on the occasion [Mr. Welbore Ellis] and predicted what in part since happened, that it would produce higher pretensions on the part of our rebel subjects, as we seemed desirous or willing to concede or relax in our just claims. For the rest of his conduct, it was under the eye of parliament; he acted, from time to time, agreeably to circumstances, never in a single instance abandoning those principles which he at first avowed. He voted uniformly in support of the measures of government, and could now solemnly affirm, after consulting his heart and his judgment, that he never had cause to regret for a single moment a vote that he had given.

He was ready to agree with some of the gentlemen on the other side of the House, who had drawn the affairs of this country in such exaggerated colours, a picture, he was bold to say, much distorted and over charged; he was ready to allow that it would have been better, merely considering the event, that the sword had never been unsheathed in this unhappy quarrel; but he would add, however adverse fortune had proved, both from circumstances within and from without, that it was not in the compass of a rational mind to foresee, or be able to provide against such a series of extraordinary events, disappointments, untoward accidents, and various contingencies as fell out; yet they must all have taken place, or the war would have been long since happily terminated, and the empire restored to internal tranquillity and domestic union.

He should avoid detail as much as possible, but yet he would remind those who only contemplated the picture in one point of view, that ministers must have foreseen that we should have met with such a resistance on the other side of the Atlantic as we had; that the contagion should have spread all over the North American continent; that our progress and successes would bear no proportion to our fair and probable expectations; that France, and afterwards Spain, would confederate themselves with our rebellious subjects, contrary to every principle of sound policy, public good faith, and repeated assurances of friendship: in short, a foreknowledge of every disaster, every untoward event, every unnatural and unprovoked act of public or domestic perfidy, must be proved, however improbable or impossible, before either ministers or their friends, or the supporters of the American measures, could be fairly accused of being the real authors of our present misfortunes.

The hon. gentleman who made the motion, with that flow of language, he would say, with that impetuous tide of almost irresistible eloquence, so familiar to him, said, that America was lost, irrecoverably lost, and that we were now clearly drove to the necessity of accepting from the hands of our rebellious subjects, peace upon any terms they might choose to dictate. The hon. gentleman, besides his general arguments, produced a Gazette, containing lord Cornwallis's last dispatches, relative to the affair at Guildford court-house. He must confess he was by no means convinced of the justice of the hon. gentleman's comments, nor of the truth of his deductions. He was not a

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military man, and should therefore speak with all possible caution and diffidence upon a subject so totally foreign to his habits of life and to his pursuits, but, if he were to speak according to his judgment, ill-informed as he was, he should still consider the affair at Guildford a victory, as well respecting the action itself as the consequences. What were they? but that after giving the rebels a complete overthrow, his lordship finding himself in a barren or exhausted country, was obliged to desist from following up the blow he had given, on account of the hazard of encountering a much more formidable enemy than those opposed to him in arms, namely, famine, arising from a want of all the necessaries of life. That the action had produced the advantages which were the concomitants of victory, no better proof need be required, than that Green's force was so much weakened that he was not able to reach Camden time enough to have a decided superiority over lord Rawdon, in consequence of which his lordship had taken him unawares, and by that sudden unexpected attack had defeated him a second time. He did not pretend to judge how far it was prudent in lord Cornwallis to abandon his baggage, and trust to contingent supplies in the course of his future operations; but this he was competent to say, that it was a most gallant attempt, and displayed a zeal and spirit which justly intitled him to the thanks and gratitude of his country, and reflected the highest honour upon him as an officer.

He was pleased, at all times, to hear young members stand up in that House and deliver their sentiments upon subjects of importance. He had many opportunities of being pleased that night. It had done the greatest credit to those candidates for public approbation, and displayed an attention to their duty, and the obligations they owed to their constituents and the nation at large, which did them infinite honour. Among others, the hon. gentleman who spoke last claimed his particular approbation. He was unwilling to say to that hon. gentleman's face, what truth would exact from him were he absent; but even then, however unusual it might be, he found himself impelled to rejoice in the good fortune of this country, and his fellow-subjects, who were destined, on some future day, to derive the most important services from so happy an union of the first rate abilities, high integrity, a bold and honest independency of conduct, and the most persuasive eloquence; but notwithstanding that he was ready to bestow on him the fullest commendations, he thought it his duty to differ with him both respecting a matter of fact and opinion.

He could not think that the American war was unjust, neither was it conceived in folly. The latter might be a matter of mere opinion; but upon the former he was competent to judge from what had passed in his own mind, and he presumed that many gentlemen, or a majority of that House, acted from motives equally pure and justifiable. The hon. gentleman had spoken of a noble relation of his (lord Chatham) whom he represented as averse from the American war; for his part he was not in this country, so as from residence to be acquainted with the governing politics of the nation; but this he could aver from his own knowledge, or upon the evidence of his own hearing, that the noble lord, so far as his sentiments might be supposed applicable to the present question, held sentiments extremely different to the arguments urged in support of the present motion. The present motion, if he understood its scope and tendency, was this, though not expressly avowed: make peace with America upon any terms, which were the same thing as desiring ministers to subscribe to whatever terms the state of America might think proper to dictate. After that was granted, he believed it would be very unnecessary to enter into proofs that the basis of any treaty to be made under the sanction of the present vote would be independency. This was the matter on which he meant, in point of fact, to particularly meet the hon. gentleman.

The hon. gentleman declared himself to be for the present proposed vote, which was to end in independency. Then he diametrically differed upon this subject from his noble relation; for he well recollected that that great man, the very day he felt the stroke of death, bursting with indignation at the most distant idea of declaring America independent, poured out his exhausted vitals in execrating those ministers, or others, who would dare to parcel out, or vote away the British empire; despoil the British parliament of its inalienable rights, and rob the present royal family of its patrimonial inheritance. These were almost the last words that upright minister and consummate statesman ever uttered. He was a man, from his

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earliest youth, he had been always taught to look up to with reverence and admiration before he had seen him. Since then, every opportunity he had of being acquainted with him in his senatorial character, the more it confirmed him in his early impressions, and he was no less great in his last awful exit than in the most splendid actions of his political life. He held the language of a patriot and sound statesman, and the capaciousness of his soul was only equalled by the integrity of his mind and the goodness of his heart. There was a quickness of conception, a warmth of imagination, and a tone and firmness of mind, which was worthy of imitation. He saw his object at a distance, he was unceasing in his endeavours to obtain it, and he could not give a better or more seasonable advice to his noble friend near him, the noble lord in the blue ribbon, if he expected to arrive at the character of a great minister, than to study with care and attention that of the deceased noble lord.

He was aware that the hon. gentleman, who made the motion, would say, that he had disclaimed all attention of rendering America independent, in opening his motion; and that consequently the subject was clearly shut out of the present debate; but he presumed he had sufficiently shewn, that it was only travelling a different way to the same object; for, most certainly, every gentleman who heard what he had urged on the subject would agree with him, that the present vote would oblige ministers to make peace upon any terms, which terms would be no other but independency.

A right hon. gentleman on the floor (Mr. Rigby) had said, that he wished to get rid of the American war: so did he. The hon. gentleman who made the motion, as he had frequently observed, pushed the matter much farther; but he wished gentlemen to recollect, how the line could be safely drawn, or at what particular spot could Great Britain stop! Were the people of this country willing to give up their West India islands? No; such an idea would not be endured. Were they ready to abandon their own dominions in America, the possession of which was not disputed? Not that neither. Or were they even prepared to vote away such part of the thirteen provinces as were reconciled and happy under the British government? As loud a negative would probably be given to that as to either of the foregoing. Where then was the line to be drawn? Yet, if the present motion was to go, it was impossible to say to what the claims of America would be confined; and, perhaps, if they were declared independent to-morrow, we should find ourselves as far from real peace as we were at the instant he was speaking. He then entered into the impropriety of interfering in the exercise of the executive power, which had been repeatedly discussed in the course of the evening; and sat down with testifying his full dissent to the motion made by the hon. gentleman.

Lord *Maitland* rose in reply to the last speaker. He said he could never remain silent when such doctrines as those advanced by the noble lord were maintained in that House. A noble lord who spoke early (lord Westcote) an hon. gentleman (Mr. Adam) and the learned lord who spoke the last, had severally asserted, though in a different manner, that that House was not competent to inquire into the exercise of the executive power, and controul his Majesty's servants in the administration of government. The first contended more directly that any interference of that House would be a positive violation of the constitution, and an usurpation of the rights of the crown. The hon. gentleman did not venture to go that length; but in part acknowledging the right of parliamentary interference or controul, arguing upon the policy or expediency, said, that whenever parliament had interfered, it had always been attended with bad consequences. The learned lord denied that ever any such interference had happened, and defended the propriety of this presumed rule, because he said ministers, as being entrusted with the exercise of the executive power, were ultimately responsible for the measures they recommended, and for the means they had adopted for carrying them into execution: in short, whatever form this species of argument was made to assume by the respective speakers, the conclusion was substantially the same, that parliament had no right, or having a right, that they never exercised it; or, when they did, that it always proved injurious to the public welfare.—That parliament had such a right, that they had exercised it; and that it was a right of the very essence of the constitution, was, he believed, incontestibly true; for if there was no constitutional check or controul upon the executive power, but that accord-

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ing to the forms of the constitution, the crown could declare war, make peace, and enter into treaties and compacts either with foreign powers or a part of our own subjects, without controul or advice; then the maxim which says, that the executive is subordinate to the legislative power, would be exactly reversed; for the executive, and not the legislative, would be the supreme power.—But taking the learned lord's argument fairly, what was it? but that there might be such a power vested in parliament, and that as it never had, so it ought never hereafter to be exercised, because ministers were ultimately responsible to parliament for their measures and the execution of them.—He was persuaded that the learned lord could not seriously mean what he seemed to maintain so very warmly; for it would amount to this, that parliament had the right, but that they should forego the exercise of it, at the very moment only in which any national good could be expected from it; namely, when the folly, inability, and obstinacy of ministers had invited national destruction; when they appeared to be ultimately determined to persist in the same ruinous measures which had produced our present national calamities; and finally, when they were running forward in order to precipitate our fate. No, no, said the learned lord, let' ministers go on; when they have totally ruined us, then will be the time for parliament to call them to account.—His lordship, after endeavouring to expose the absurdity, fallaciousness, and sophistry of such a stile of argument, entered pretty fully into the debate, and after reprobating the American war in all its parts, and describing its authors as no less inimical to the liberties of Great Britain than America, concluded his speech with testifying his warmest and most unreserved approbation of the motion made by his honourable friend.

Lord *Duncannon* supported the motion warmly; he contended that the Americans had taken up arms in their own defence; and be the issue what it might, the evil advisers, who had imposed upon their sovereign, parliament, and the nation, ought to be deemed solely responsible for the consequences, and he had no doubt would be made so.

He made some farther spirited observations on matters which had come from the opposite benches; but the House grew so disorderly that we could not distinctly hear his lordship; he said he heartily approved of the motion.

The opposite benches growing extremely vociferous, and calling out loudly for the question! the question!

Mr. *Fox* presenting himself to reply, it was some minutes before the Speaker could restore order; at length order being enforced from the chair, Mr. Fox proceeded. He began with returning thanks to the House for the disposition they shewed to indulge him with a few words by way of reply, or rather for the purpose of giving a few explanations respecting some very plausible objections which had been raised against two or three of his strongest arguments. He was the more obliged to the House for this indulgence, because, according to the strict rules of parliamentary order, he was not entitled to rise a second time to speak to the same question; feeling, therefore, the obligation which he owed the House, he should repay it in the only way it was in his power to repay it, that was by being as brief as possible, and not adding a syllable, which did not seem to him necessary for the illustration of his former arguments, or in such instances as he had been misunderstood, or misrepresented.

After this exordium, he said it was his duty, as it was that of every individual in that assembly, who called upon the representatives of the people to unite in opinion with him upon a particular measure of policy or legislation, to do every thing in his power to shew that the measure so proposed was a wise and salutary one, and that the objections made to it were either frivolous or unfounded; under this call he now rose, and entreated a candid and patient hearing. The noble lord at the head of the American department had recourse to a very extraordinary and novel species of logic, to prove that he was not mistaken in his expectations respecting the loyalty of the inhabitants of North Carolina: his lordship said, that lord Cornwallis was mistaken as well as he, which amounted to this; that in every given situation that could be imagined, a person being originally wrong, as soon as another person happened to coincide with him in opinion, from that instant he became right; and for what reason? The noble lord himself had told us: the noble lord himself was wrong, lord Cornwallis helped to confirm him in his mistakes, and of course they were each separately right, because both were in the wrong!

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But not wishing to catch at words, instead of realities; what are the true grounds, said Mr. Fox, on which the noble lord maintains that the North Carolinians are loyal? His lordship says, general Green has been obliged to draw the subsistence of his army from the neighbouring provinces; the people of Carolina would not supply him any more than lord Cornwallis; that is, a great majority of the inhabitants of North Carolina wish well to government, and abhor the tyranny of the Congress; and how do they return the obligations they owe to the royal army? Why, they refuse all kind of aid or assistance to their saviours and protectors, and treat those who come to release them from the bonds of tyranny exactly as they do their tyrants and oppressors, by refusing all aid or succour whatever.

O! says the noble lord, that is not the case; the loyal inhabitants would do otherwise if they could do it with safety. They made one attempt, but it miscarried; and those who made it were sacrificed to the resentment of their enraged brethren. Surely he was in a dream, or the noble lord did not mean to be serious, when he said, that so great and able a general as lord Cornwallis confessedly was, in the heart of a loyal and friendly country, and at the head of a victorious army, were the good disposition of the inhabitants and their eagerness to repair to the royal standard as true as it had been confidently asserted, would abandon the post. Surely the noble lord at the head of the American department would not gravely assert, that under such circumstances it was possible that lord Cornwallis could have relinquished all hopes of improving the advantages he had obtained, without at the same time insinuating the severest libel upon the military conduct of the noble commander. He was in his soul convinced of the contrary; he was persuaded the noble lord at the head of the southern American army was beyond the reach of any such insidious insinuation, if any such was intended. The truth was, his lordship met no friends when weighed in the opposite scale against his numerous enemies, and after doing all that an officer in his situation could do, he was obliged to abandon all hopes of success, because, like every other officer, he had been deceived on two grounds: he had been cheated in the first instance, and made to believe that he was to have had twice, if not thrice the force which he really had; and equally cheated by false insinuations from hence, that he would be received with open arms by a host of friends, warmly and zealously attached to the cause which he came to maintain, instead of being publicly annoyed, or secretly betrayed or circumvented by a host of inveterate enemies.

Before he proceeded farther into personal or particular explanation, he would beg leave to make an observation or two upon a principle which pervaded the present debate, as well as all others which related to the American war. It was said, and said too with great confidence, and it came from quarters which proved its meaning to be the current opinions which prevailed in another place: it is not fit, though it be even competent for parliament to interfere in the exercise of those powers which the constitution has devolved on the crown, and the crown as a matter of course has delegated to its servants, to disturb the deliberate chimeras or dreams of ministers; for be the consequences what they may, ministers must be ultimately responsible. The argument, he confessed, if not a good one, was at least plausible; it carried with it, it was true, a principle of eventual ruin to the state, because it might be pushed to a possible, he feared even to a probable case, in which ministerial responsibility, as had been observed by his noble friend (lord Maitland) would be a farce—but taking up the idea, and accepting of it in the very manner in which it was intended to be pressed on the understanding of the House, it was his duty, pledged as he then stood, to detect and expose the paltry sophistry which lay lurking under it.

There were two constant objects which principally fixed the attention of that side of the House on which he had the honour to sit; the one, the maintenance of the supreme rights of the legislature, to direct, propound, and finally determine, on what ought or ought not to be asserted or conceded, in respect of the rights or claims of this country over America. This inherent right was never professedly controverted in that House by the boldest or most implicit ministerialist; but this night, for the first time, he heard the principle denied, or, which was the same thing, endeavoured to be set aside. The general principle of ministerial responsibility was opposed to the right of parliament

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to interfere. Hitherto he had constantly heard, that this was a parliamentary war, a legislative war, a war not to extend or increase the power or prerogative of the crown; no, but a war specially undertaken to vindicate the supremacy of parliament, and its legislative superintendance and controul over every part of the British empire; but to day it has been represented as a ministerial war, in the controul of which parliament have not the least pretence to interfere, nor to offer their advice, unless they are determined to violate the constitution, and usurp the exercise of the executive power.

This was the uniform language held by those who maintained the propriety, the necessity, and expediency of the American war till this evening; when, for the first time, he heard that the war was no longer a parliamentary war, but a ministerial one. Parliament have no constitutional right to interfere, say some; they ought not to interfere, say others; because the hands of the King's servants will be so tied up that they will be deprived of inproving those opportunities of advancing the interests of the country, which they might be able to improve to the benefit of the nation, if left at liberty to act according to the various contingencies and circumstances which may arise in the course of future negociation. Here, then, were the most palpable and gross contradictions: if ministers were entreated to make peace; no, said they, that cannot be; the American war is a parliamentary or legislative war; the crown has no immediate or particular interest in the prosecution of it; parliament alone are responsible: but as soon as a proposition is made, calling upon parliament to interfere; no, again, say the very same men, parliament have no right to interfere, nor, if they had, would it be politic or prudent for them so to do.

After he had stated in the most pointed manner the contradictory language held by ministers, as it suited their present purpose, he proceeded to give specific answers to such gentlemen as had undertaken to controvert the grounds and propriety of his motion.

A right hon. gentleman on the floor, who had honoured him with the name of friend (Mr. Rigby) had paid him compliments which he was not so vain or foolish as to think were well founded. He felt no consciousness that the right hon. gentleman's eulogies were fitly applied wherever his own conduct furnished the subject; but happy as he was in the good opinion and friendship of the right hon. gentleman, he sincerely wished that he had forborne that part of his speech altogether, for he never, as a testimony of kindness or good will, accepted what came accompanied with indiscriminate censures upon those whom he held most dear, or with whom he was most intimately connected.

The right hon. gentleman says, that every administration since the accession of his present Majesty, let them disagree upon what other points they might, were at least unanimous in one, that of taxing and coercing America. The right hon. gentleman, in the warmth of political zeal, and trusting with the most unbounded confidence in the fidelity of his memory, asserts that the administration, who passed the Stamp Act, supported the principle on which the American war was carried on: that the real political arrangement under the auspices of a noble marquis (of Rockingham) a member of the other House, supported the same principle, when, by repealing the Stamp Act, they asserted the unconditional right and dominion of this country over America by passing the Declaratory Law. The next administration is charged by the right hon. gentleman with following the same track which had been traced out by their predecessors in office; and a justly distinguished and celebrated statesman, some time deceased, and a noble duke (the earl of Chatham and the duke of Grafton) who successively directed his Majesty's councils, are specially pointed out by the right hon. gentleman, as being the promoters of the Port Duty Bill, and sending troops to Boston to inforce the legal execution of that law. They are represented as treading in the footsteps of the two preceding administrations, so as to prove the right hon. gentleman's assertion to the unlimited extent in which he would have it credited; that every administration, and every man of every party in a public situation, had pledged themselves to the support and maintenance of the American war.

The right hon. gentleman, not contented with general assertions, has pushed the charge still farther, down to the actual commencement of hostilities, and to events of even a later date; and as a farther confirmation of what he has said on the subject, has described the American

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war to have been in its origin and progress a most popular war. Before I proceed to controvert the right hon. gentleman's conclusions, feeling as I do, I find myself compelled, from a just and well founded resentment, to vindicate the character of some persons, whom the right hon. gentleman has thought proper to load with ill-founded aspersions, in the observations he has made in this part of his speech.

The right hon. gentleman concludes his observations thus: "Surely, if the American war be wicked, ruinous, unjust, and bloody; if it was planned with folly, prosecuted with cruelty, and ultimately tends to national destruction; the several persons thus described, having maintained the principle on which the war was commenced, and approved of the measures which actually produced it, were equally unjust and cruel, and blinded with the same spirit of persecution, as those to whose lot it had fallen to carry the measures into execution which brought on this execrable war." I will meet the right hon. gentleman on his own conclusion; I am ready to join issue with him on the merits, and allow that all he has said and insinuated is strictly consonant to truth; that they would be wicked and cruel, if they had either promoted or approved of such a war; but I do aver, that the charge is not founded in fact, but directly repugnant to fair, even to colourable conclusions; and, high and powerfully supported as that right hon. gentleman stands in this House and out of it, I would recommend to him to be more temperate in his language when he makes such positive charges, and draws such severe conclusions against some of the greatest and most respectable characters in this country. I am ready to declare my opinion of the right hon. gentleman's integrity and abilities; I am willing to give full credit to his assertions declarative of the motives on which he acted; I thank him for his very favourable, but unmerited sentiments respecting so insignificant a person as I am, whom he has thought fit to exalt into a degree of consequence to which I am by no means entitled; but while in the midst of this shew of kindness I hear my dearest friends and connections directly or indirectly charged with, what I think the worst and blackest of crimes, as the authors of a system, or the supporters of measures which led to, and produced the American war, I cannot accept of any appearances of friendship upon such terms; nor can I sit silent without professing my utmost disapprobation of assertions every way so ill-founded, and arguments so sophistical and fallacious.

I am ready to appeal to every impartial person in this House, whether there is not an immense difference between a speculative assertion of a right, and the enforcing that right with the point of the bayonet? I would appeal to those who hear me, whether there is any similarity between regulations of commerce and actual taxes? But I shall avoid entering into particulars at so late an hour, and only refer to the conduct of the noble lord in the blue ribbon, and the noble lord near him at the head of the American department. What was the language of the former? "We must and will have a revenue from America; not a pepper-corn, merely to maintain an ideal and unprofitable right; but a clear, substantial, and productive revenue." What was the language of the latter? "Not to listen to any terms short of unconditional submission." What was the purport of the noble lord's conciliatory propositions but to tax the colonies by proxy: that is, the colonies to tax themselves, and the produce to be transmitted home to Great Britain, to be at the disposal of the British parliament? What again was the conduct of the people of America? Why, they resisted it as one man, from one end of the North American continent to the other. The colonies resisted both principles equally; they resisted taxation in one instance, and foreign legislation in the other; they determined, *unâ voce*, to legislate for and tax themselves.

After explaining himself very fully, in order to shew that none of the great and respectable names alluded to, nor their friends, went the length of actual taxation or legislation in any instance, but so far as the latter might have reference to commercial regulation and mutual benefit, he spoke of his own conduct and the conduct of his friends relative to the passing of the Boston Port Bill. The right hon. gentleman says, that the Boston Port Bill passed without a division, without a debate, or any kind of opposition whatever. He has stated this circumstance, to shew that the measures which immediately produced the American war met with the approbation of all parties; but the right hon. gentleman's argument upon the presumed fact, is as fallacious as the fact itself is ill-founded. The Boston Port Bill was opposed in

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several of its stages. I opposed it myself, said Mr. Fox, and there are many within my hearing who also very strenuously opposed it. The right hon. gentleman avers, that it was not opposed in either House of Parliament. Though it may not be quite regular to take notice of what passed on that occasion in the other House, I am warranted in answering an argument supported upon such ground; and I am warranted to do this upon equal authority; for I know there was an opposition made to the Boston Port Bill in the other House as well as in this; but I will explain to the right hon. gentleman what he seems to have forgotten, for I am not to presume that he purposely omitted it.

The reason why there was not so strenuous and regular an opposition to that measure, and that no division ensued, was this: the riot in Boston and the destruction of the tea was represented by ministers as a partial rising, confined to that town alone, and not countenanced by any persons of property even there; and highly disapproved of by the leading people in the province of Massachusets Bay, and reprobated throughout the other colonies. Such being the presumed facts, as stated by those who recommended the measure, with what request did they come to parliament? That, as it was but a local insurrection, or rather popular tumult, which arose among the very dregs of the people, the Bill would, as soon as known, have the effect of restoring peace, good order, and legal government; and should it prove otherwise, a regiment or two then under orders to repair thither would immediately, without farther trouble or any effusion of blood, force the townsmen into an obedience to the laws. As the language of the day was, that the sword and the olive branch would be presented, and offenders would be left to their option. This, I am free to contend, was the true state of that transaction; but at the time, I defy the right hon. gentleman to say, that it was so much as hinted by any person in a responsible situation, that the parliament of Great Britain had any intention of enforcing any claims of universal taxation, unlimited legislation, or unconditional submission.

The right hon. gentleman, and several others who have spoken since, particularly the learned Lord Advocate of Scotland, have made, what they seem to think, a most important discovery, that I have declined to move a vote, declaring the American colonies in resistance independent; though, say they, my motion goes precisely to the same point. If this is meant to hold out to the House, that while I profess one thing I mean another, nothing, I do assure you, Sir, can be more unfounded; for to be very plain, had not I other reasons but such as might militate against the mere naked question of declaring America independent, I should not hesitate a single moment upon what was proper to be done; for, thinking as I do, that America is lost, irrecoverably lost to this country, we could lose nothing by a vote declaring America independent; but I had even more than one reason: the first and most pressing motive on my mind was, that I did not choose to go the full length of what I feared we must, in the end, be obliged to consent to; what I know we must, without reserve, consent to—to declare America independent; because such a declaration, on our part, being an ultimatum, might beget still higher pretensions in the minds of the people of America on their own account. The other, that although we should hold out an offer of independence, we are not so fully and perfectly acquainted with the connection between France and America as to say, whether, the point of independence being once gained, France would not improve that circumstance to her own partial advantage, and on that ground urge farther claims, to comply with which both the interest and honour of this country must be sacrificed.

As to the mere single proposition, whether America might with propriety be declared independent, abstracted from other considerations, it is perfectly ridiculous to debate about it in this House this evening. America, as the right hon. gentleman has confessed, is already independent; and, as he well observed, ought to be considered, in one light, as a public enemy. I most heartily agree with the right hon. gentleman, that she is independent: I may possibly disagree with him, when I affirm again, that she will and must be independent. It is, however, impossible to say, with any degree of confidence or precision, to what extent or effect the other evils the right hon. gentleman predicts may be averted; such as the safety of our West India islands, &c. but this I am in my own mind authorised to say, were it not that conciliatory, healing, and friendly negociation, may effect much in preventing the bad consequences which a vote, declaring America independent, might be productive of hereafter, I should, instead of making

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the motion I have done, directly have moved, that the American states be declared independent.

The hon. gentleman who spoke later (Mr. Adam) opposes the present motion, upon what appears to me novel ground. The hon. gentleman says, or at least he is pleased to suppose, that very few instances have ever happened in which the legislature interfered, or offered to controul the executive power; and the only instance which he seems to have any knowledge of, or has thought fit to state, he says, proved injurious to the state. That it was not the only instance, I shall prove by-and-by; that it had the effect imputed to it, wants much better proof than that adduced by the hon. gentleman. The hon. gentleman has deemed it proper to state certain facts relative to the interference of parliament in the reign of king William, respecting the conduct of the affairs of Ireland. He imagines the affairs of Ireland went wrong, on account of the interference of parliament. He carries his imagination still farther, by saying, that this interference retarded the reduction and settlement of that kingdom, and as a consequence of the evil effects of parliamentary interference, he is pleased to conclude, that as soon as it ceased, so soon the affairs of Ireland began to wear a better aspect, and at length were happily and effectually terminated. This appears to me a string of suppositions from the beginning to the end. No proof; nothing more than mere assertion is offered in support of either the presumed facts or ideal consequences; and when, with infinite reluctance, I find myself compelled to meet such an argument, if it may be called one, I feel myself urged to meet it in the only way in which it can be met, that of doubting or controverting the facts, and of course denying the conclusions.

I should, however, observe here, that the hon. gentleman, and the learned Lord Advocate of Scotland, totally differ upon this point. The learned lord affirms, without reserve, that parliament have never interfered. The hon. gentleman acknowledges that there had been one instance in which parliament interfered; but it had miscarried. To the hon. gentleman I answer, that the public disappointment did not arise from the interference of parliament; and that there are many instances upon record where parliament interfered, besides that which he mentioned: and to the learned lord, that it had not been an unusual or accidental interference, but originated from the very frame and nature of the constitution itself. When the learned lord, in particular, asserted, with so much confidence, that there had been no one instance in which the legislature expressly interfered between the state and the king's servants, or offered to controul, or give general or specific directions, I must own, after what the hon. gentleman, to whose speech I am immediately alluding, had asserted, I was much surprised; because, in the first place, the hon. gentleman had furnished one example of the contrary; because the History of England, sometimes with very good effect, and from the best motives, gives frequent instances that such a controul has been exercised by parliament; and secondly, out of the numerous examples which might be quoted, the conduct of parliament in the course of the Succession war during the reign of queen Anne, furnished a case exactly in point. At that time, as now, there were two powerful parties in the nation; one that thought it better to let the duke of Anjou mount the Spanish throne, under the will of the late Spanish monarch, than plunge the nation into a war, or persevere in it when commenced; the other, who thought that the liberties of Europe depended upon preventing at all risks the Spanish monarchy from being possessed by one of the children or branches of the House of Bourbon, in the person of the then competitor for the crown of Spain. But see how exactly both cases tallied. I mean the prevailing politics of that day, compared with the proposed effect of the present motion. The parliament of that day said, no peace with Louis 14, unless the duke of Anjou relinquish his pretensions to the Spanish monarchy, or, as it was then technically expressed, no peace with France while Spain continues in the possession of one of the branches of the House of Bourbon. I say, in conformity to that parliamentary vote, let his Majesty be addressed by this House to give instructions to his ministers to make peace with America.

The learned lord over the way, whom I always hear with so much pleasure, particularly when he seems to be at all acquainted with his subject, has been the source of great entertainment this evening, and in nothing more than in his making a public confession of his political tenets, or what he has been pleased to stile his political creed or confession of faith. I always

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listen to whatever falls from the learned lord with that degree of attention that is justly due to it; but when political creeds come from that side of the House, I confess I am much better pleased to hear them come from persons acting in responsible situations; otherwise they are mere idle, floating opinions of individuals, who, however respectable the persons may be that deliver them, can live but for the moment, and are by no means binding in future, nor in fact have any real reference, even to the existing measures at the time.

The learned lord has, however, with a candour which is natural to him, and with a senatorial spirit of independence which does him infinite honour, told the House, that he disdains to walk in ministerial trammels, even in the harness of his noble friend, the noble lord in the blue ribbon. He says that he never could have thought of entering into a treaty with our rebellious subjects, so long as they continued to resist the claims of this country with arms in their hands. He was for no treaty; no concessions; he would hear of no terms; and was resolved never to concede upon any intermediate negociation. Unhappily for this nation, it seems the learned lord had then formed no connections on this side of the Tweed. His lordship was then no more than an individual, equally friendly or inimical to the noble lord in the blue ribbon and ministers, and to their opponents. He had then, I say, no influence with the minister arising from personal intimacy, and the confidence which generally accompanies it. So far from it, the learned lord honestly avows, that among all the friends of government in this House, he only, and a right hon. gentleman whom I do not see in his place, (Mr. Welbore Ellis) had the public virtue to differ from the minister on the policy of his Conciliatory proposition; and they only had the political foresight to look forward to the consequences which this mistaken measure would ultimately produce. The learned lord, pursuing his fixed line of conduct, honestly confesses he voted for every question respecting the American war, and for the most vigorous exertions. He says farther, that he never conceived a second opinion on the subject; and that if the whole ground was to be trod over again, he would pursue the same line of conduct, step by step. Taxation and legislation over the colonies were the great objects he proposed at the outset to obtain, and, in the true spirit of steadiness, he had never swerved, but had strictly pursued the paths which he had previously chalked out to himself.

I am well persuaded of the learned lord's great abilities; I am equally convinced of his integrity; and, give me leave to say, that I am generally astonished at the correctness of his memory. But, great as his talents confessedly are, unshaken as his integrity, and wonderful as his memory may be, I must doubt of the truth of the history the learned lord has given of his own political life, his steadiness, and his other public virtues, in the shape in which he has thought fit to bring them forward. The learned lord said, and I impute the assertion solely to a failure of memory, that he never differed with the minister but in the instance already mentioned. Now, if I am wrong, the learned lord, I dare say, will set me right; but I think I may say, nay, I may with confidence affirm, that the learned lord, so far from continuing to support the principles of taxation and legislation, unconditionally, and without reserve, was one of the first persons, after the noble lord in the blue ribbon, who supported the Bills, (in the spring of 1778) declaring, that the people of America should never be taxed by the British parliament; that not a shilling should be drawn from that country by way of revenue, nor a shilling raised there should be disposable, in any shape, or under any pretext, by a British parliament; that the colonies henceforward should be their own legislators; and after having thrown away the lives of fifty thousand brave citizens, and spent fifty millions of money, that all our claims over America should be relinquished, and a mere nominal sovereignty, or ideal, unprofitable connection, be substituted in lieu of those substantial and high-sounding pretensions, so ably stated by the learned lord.

I do not say I have the most retentive memory in the world, and I believe I have not the worst. The learned lord will, I dare say, direct me to the right path, should I deviate from it. Under this expectation and correction, I believe I may venture to remind the learned lord of his exculpatory apology when I once before mentioned this, as a proof of his want of consistency. I hope, however, that the learned lord will ever remember it, after this night, and not again relapse into the same state of total forgetfulness. The learned lord's answer was, that the American war ought to be pursued with firm-

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ness and vigour till after Mr. Burgoyne's disaster; after that fatal event, the object being no longer attainable, another system of policy had become indispensably necessary; but if gentlemen will only attend to what fell from the learned lord in the course of his speech, they will collect that he has changed his political creed for the third time. He was first for coercing America at all events. When all prospect of success vanished, on account of the capture of the northern army, in 1777, at Saratoga, then he abandoned his system, as no longer practicable; but now, for the third time, after the learned lord has honestly and fairly confessed, that all substantial expectations of success are over, he has returned to his first opinion, and that upon worse grounds than he first took it up. He says now, peace cannot be made, though there are no hopes even of succeeding, nor ought it to have been made, so long as there were any hopes of succeeding.

The learned lord has made a very long and eloquent oration on the great abilities and exalted virtues of a most consummate statesman lately deceased (the earl of Chatham). My youth and habits of life afforded me very little opportunity of being personally acquainted with that great minister; yet I am sure no man, on either side of the House, reverences the memory of that minister more than I do; nevertheless, I would be heard, by way of laying in my claim for others, who, perhaps not exactly thinking with the deceased noble lord in every thing, have yet conferred great obligations on their country. I, insignificant as I may be, might differ from that noble earl in some things, my friends likewise might do the same; I am happy, however, I have it in my power to affirm, without the risk of contradiction, that the deceased earl's ideas respecting the commencement and prosecution of the American war, were directly repugnant to those pursued by the present administration, and so warmly defended by the learned lord. The learned lord has described the deceased earl in a most awful and affecting situation, not directly for the purposes he first mentioned to employ his name; I mean to prove that his lordship was a friend of coercion; but merely to oppose his dying opinion, reprobating in the warmest terms any idea of declaring America independent, to the tendency of this motion. I am sure that great statesman was sincere, and might have been right in his opinion then; but is his opinion in 1778, just when France was entering into the war, before Spain joined with France, or was followed by Holland; and more than all, before France disputed the empire of the sea, and the American militia were transformed, or disciplined into regular troops; before, I say, any of these circumstances could be known, is it fair to quote words, which could only have weight when applied to matters as they then stood, to another given situation totally different?

But if the learned lord is mistaken in the deduction he has attempted to draw from the noble lord's speech, the day he was struck with his last illness, I am ready to believe that he could not have been in this part of the kingdom at the time he states, otherwise he must have known that lord Chatham, so far from approving of the American war, reprobated it, in the strongest manner possible, in parliament; and before a single life had been lost, or a drop of blood shed in America, made two motions; one by the way of Bill, for qualifying the rights of both countries; the other by way of motion, for immediately withdrawing the troops from the town of Boston. These were his opinions before a shot had been fired on either side; and it would be a very needless task to go into an enumeration of the several patriotic and noble struggles he made from time to time; even the last session he preached peace to ministers, in order to arrest their unskilful hands, and stop them in the mad career of blood and slaughter in which they had involved the whole British empire from one corner to the other. Mr. Fox entered into a variety of explanations elucidatory of this part of his speech, and again proceeded in reply.

The noble lord who spoke second had called the American war a holy war. The application of the word holy to the present war, may have appeared new to every gentleman present but myself. It is not new to me, and I will tell the House why it is not. I was over in Paris just at the eve of this very war; and Dr. Franklin honoured me with his intimacy. I remember one day conversing with him on the subject, and predicting the fatal consequences, he compared the principle of the war, and its probable effects, to the ancient crusades. He foretold, that our best blood and treasure would be squandered and thrown away to no manner of purpose; that like the holy war, while we carried ruin and

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destruction into America, we should impoverish and depopulate Britain; and while we went thither, under the pretence of conferring temporal, not ghostly benefits upon the vanquished, our concealed purpose was to destroy, enslave, or oppress, as it promised best to answer our ends; while, like the pretended martyrs, or zealots, in ancient times, we concealed, under this fair semblance, every vice and passion which constituted human depravity and human turpitude; avarice, revenge, ambition, and base as well as impotent resentment.

But if that was the opinion of that great philosopher in 1776, how much stronger would the comparison hold at present? Like the crusaders in the holy war, who went to fight for the sepulchre of our Saviour, and to possess Palestine, in order to have the honour of guarding the sepulchre, though the body had been translated to another place for many centuries; the present ministers, treading in the footsteps of those bloody and senseless zealots, still continued to contend for the possession of an empty sepulchre; they had relinquished taxation, they had given up legislation; they had even offered to pay the debts of the Americans; and instead of giving them laws, of receiving laws* from them; but yet this holy land was to be made the scene of a holy war; because at a former period they told parliament and the nation, that they would tax and make laws for America.

I beg pardon, Sir; I trust to the indulgence of the House. I have not a syllable more to add, but to return my grateful thanks for the attention which has been shewn me. I did not hear a word said against my motion, but that it would lead to American independence; all therefore I have to do is, to answer that objection, by taking upon me to predict, that ministers themselves, in the course of six months from this day, will offer some proposition, similar to that which I have taken the liberty to submit to the House. I know they will, I know they intend it; and under that persuasion, I trust the fate of my question to the fair, impartial, and unprejudiced judgment of the House.

The House divided:

Tellers,

Yeas	Mr. Thomas Townshend, Mr. Byng	99
Noes	Mr. Adam, Mr. John Robinson	172

So it passed in the negative.

Debate in the Commons on the Renewal of the Charter of the Bank of England.] June 13. The House having resolved itself into a Committee of Ways and Means, the following Proposal, from the Governor and Company of the Bank of England, was read:

"To the Honourable the Commons of Great Britain in Parliament assembled. The Governor and Company of the Bank of England humbly propose,

"That they advance the sum of 2,000,000*l.* for the public service, in the manner following; viz. 1,000,000*l.* on or before the 15th of November next, and 1,000,000*l.* on or before the 15th of February 1782, on Exchequer bills, to be made forth by virtue of an Act to be passed in this session of parliament, bearing interest at the rate or premio of 3*l.* per cent. per annum; the said interest to be paid quarterly; and the said Exchequer bills to be charged and chargeable upon, and repaid by and out of, the first aids or supplies which shall be granted by parliament for the service of the year 1784; and in case sufficient aids or supplies should not be granted for that purpose before the 5th of April 1784, the same to be charged and chargeable upon, and be repaid out of, the Sinking Fund.

"And they humbly further propose, That they be continued a corporation, with the sole power of banking, for the term of 25 years from the 1st of August 1787, with all abilities, capacities, powers, authorities, exemptions, and privileges, they now enjoy, by virtue or in pursuance of their charter, or of any act or acts of parliament; redeemable afterwards on a year's notice, and the repayment of all the principal money, and also the payment of all the interest money which shall be then due and owing to them upon all such tallies, Exchequer orders, Exchequer bills, or parliamentary funds, which they shall have remaining in their hands, or be entitled to, at the time of such notice to be given as aforesaid (such funds, for the redemption whereof provision is already made in any act or acts of parliament now

* Mr. Fox alluded to the offer made by the commissioners, to permit deputies from the provincial assemblies to sit and vote in the British House of Commons.

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in force, always and only excepted) they continuing a corporation, with an exclusive power of banking, notwithstanding such notice given, till all the money due to the Bank as aforesaid shall be paid them. Signed by order of the Court of Directors,

"ROBERT LEWIN, Secretary."

Lord *North* rose and said, he would open to the committee, the reasons which had induced him to listen to the propositions just read, and which he would speak of in the light of a bargain not concluded, but to be agreed on or not as the committee thought proper. His lordship then went into an elaborate history of every renewal of the Bank charter since the institution of the Company, and argued at great length to prove that the present proposition was such as would be advantageous to the public, and equal to the expectations, which, every circumstance considered, he thought the public intitled to entertain. The Bank, he said, had been established for near ninety years, and had been conducted in all that time with so much wisdom, so much advantage to the nation, and so much credit to itself, that he could not imagine there was one man living, who, after the long experience of its utility, would deny that it was the duty of parliament to cement and strengthen the connection and union between the Bank and the public as much as possible.

In the year 1694, the company of the Bank was first incorporated. Their charter was renewed in 1696, it was renewed again in the 13th of William and Mary, a third time in the 8th year of the reign of queen Anne; and a fourth time for a considerable number of years, a short time afterwards; and a fifth time in 1764. His lordship particularly stated the advantages gained by the public in each renewal; all of which, previous to the renewal of 1764, were rather matters of temporary convenience and accommodation, than of real profit and pecuniary emolument. The agreement of 1764 was that made by Mr. Grenville, and the advantages that resulted to the public by that bargain, were first 110,000*l.* and another advantage of 30,000*l.* which made in the whole an emolument of 140,000*l.* It had been said the other day, that Mr. Grenville thought this a bad bargain for the public, and had repented it to the day of his death. When he heard the assertion he owned he had been somewhat astonished, because he had himself been in the Treasury when Mr. Grenville made the bargain. He was in the habits of living with that minister; he had always heard him hold a very different language, and he remembered one particular circumstance which proved that Mr. Grenville thought it was not a bad bargain for the public, and that was this: Mr. Grenville told him that the 10,000*l.* in addition to the 100,000*l.* was an addition rather made with the hopes of getting it for the public than with a determination to insist upon it; his lordship added, that if the company of the Bank had demanded it, he knew it would have been given up to them.

After dwelling for a considerable time on the different bargains that had taken place, on the different occasions of renewal of the Bank charter, and stating the rise and fall of the interest of money, at the different periods of time, when each renewal was made, with an account of what had been done between the public and the Bank in consequence, his lordship went into a consideration of the mutual advantages reaped by the Bank and the public. The former, he said, by prudent management, by judicious conduct, wise plans, and exact punctuality, in establishing its own credit, had contributed very essentially to establish the national credit, a matter equally advantageous to this country both at home and abroad. The Bank had from time to time essentially assisted the public, both on occasions of loans and on various sudden exigencies. The public in like manner had contributed by granting to the Bank the exclusive privilege of more than six persons banking, and had enabled the company to enlarge its capital, to increase its credit, and to acquire that degree of importance which it had reached, and which the experience of almost ninety years proved. If gentlemen looked back to the late bargains on renewing the Bank charter, they would find that it had never been considered as either wise or necessary, to expect a large fine on such an occasion, and if the profits resulting from the present proposition were considered they would be found to be $2\frac{1}{2}$ per cent. on the interest of two millions, because the Bank divided $5\frac{1}{2}$ per cent. on their capital stock, and from the public they were to receive no more than 3 per cent. the profit, therefore, amounted to 150,000*l.* which was more than had on any former occasion been required or obtained on the part of the public. Possibly the bargain might be objected to, and it

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might be said, If the present banking company will not give more, institute a new company. Those who should entertain such an opinion, he would venture to say had not well considered the subject. They knew not the solid advantages resulting to the public from its connection with the present company, they saw not the difficulty that must now attend the breaking up of the present company; they were not aware of the dreadful consequences that might attend the attempt to incorporate a new one; at present the Bank, from long habit and the usage of many years, was a part of the constitution, or if not a part of the constitution, at least it was to all important purposes, the public exchequer; all the money business of the Exchequer being done at the Bank, and as experience had proved, with much greater advantage to the public, than when it had formerly been done at the Exchequer. Besides, the Bank was always in advance to the public very considerably; at present, the public were indebted about seven millions to the Company. If, therefore, the present Company was broke up, the public would have to pay off its debt, and to pay it off at par; and considering the low price of several of the funds, the expence would be enormous. Exclusive of all this, where were they to find a new company capable of advancing all the money the public would want, and even were it possible, how materially would the national credit be affected, from the circumstance, that it must be many, many years before a new company could establish its character and its credit, in so eminent a degree, as that to which the present Bank had raised itself? So dreadful would, in his mind, be the consequence of breaking up the present Bank, that he should by no means advise, nor, he hoped, should he ever hear of an attempt to change hands, or to institute a new company. His lordship observed farther, that even were such a matter practicable, numberless inconveniencies would of course arise from the one bank opposing the other; the one would not then be the friend of the public, the other not be capable of doing the best office of a friend, and affording that assistance which was unavoidably requisite at different times. He stated, that from being the banker of the public, the Bank undoubtedly derived considerable advantages; he said also, that the public derived advantages equally considerable from the credit of the Bank, and the important accommodation which the Bank afforded, on a great variety of national occasions.

The advantage now sought for was, on the part of the Bank, a renewal of the charter; and it clearly appeared from their dividend, that the profit of the Company amounted annually to about 239,000*l*. The question therefore was, what the public sold, and how much of the 239,000*l*. annual profits could fairly be stated to arise from the charter? Here his lordship examined into the nature of the Bank business; the manner in which it was carried on, and the expences to which it was liable. He argued from the whole, that a great part of the 239,000*l*. arose from the ordinary profits of the business, and which would result to them as a private banking company, whether the charter was renewed or not. After a variety of arithmetical computations, his lordship declared, he thought 150,000*l*. as large an emolument as the public had a right to expect.

But taking the bargain in another point of view, the advantages were infinitely greater. He proposed to pay off two millions of navy debt with the two millions now offered: a debt which had ever hung like a mill-stone on the neck of public credit, and been attended with great disadvantage to the public affairs in more ways than one. It had given him no small share of satisfaction to hear an hon. gentleman, in a late debate, say, that in consequence of its having been rumoured that such a bargain as that now proposed, was in agitation, not a navy bill was to be bought. If the fact were so, the bargain and the use to which he had declared he intended to apply the money, had already produced one good effect. Navy bills, it was well known, had borne a large discount; if, therefore, by paying off two millions, the discount was lessened, the consequence would be doubly beneficial; the load upon the market would be lightened, and the discount lowered very considerably. Here his lordship went into a statement of the computed emoluments that would result to the public, in proportion to the degree in which the discount was lessened. If the discount on two millions of navy debt was lessened in the proportion of 5 per cent. the public would gain near 500,000*l*. If in the proportion of 4 per cent. near 400,000*l*. If in the proportion of 3 per cent. only, and that he took as his lowest

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computation, the public gain would be 300,000*l*. On these computations his lordship reasoned for a considerable time, as likewise upon the good effect the paying off two millions of navy debt would have another way, namely, by lowering the purchases of all naval stores, &c. and he contended, that taking the advantage either way, whether by the simple 150,000*l*. arising from the difference between 3 and 5½ per cent. or by the degree of discount on navy bills which it would lower, or by the lowering of the purchases for the navy that it would effect, the advantage was truly essential. His lordship added, that he esteemed the general benefits not to be stated, but which would undoubtedly arise from paying off three times as much navy debt this year as was paid off the last, much above any benefits that could be computed, however warrantable the speculation.

His lordship acknowledged, that there was one matter in the bargain which he saw was an objection, and that was the point of time at which it was brought forward. Certainly, the business was of great importance, and it was a matter to be wished, that such a business should never be brought forward but in full parliament. Still, however, he thought the objection arising from that consideration greatly overbalanced by the advantages that the public would reap from paying off two millions of the navy debt that year. The reason why the bargain had not been earlier brought forward was, he said, because the proposition could not be matured at the Bank till after the choice of the new governor, sub-governor, and directors, which took place in April last. Late as it was in the session, he thought the bargain ought to be listened to and ratified. His lordship concluded with moving, "That it is the opinion of this committee, that towards raising the supply granted to his Majesty, the proposal of the Governor and Company of the Bank of England, for advancing the sum of two millions on Exchequer bills, upon such terms and conditions as are therein mentioned, be accepted."

Sir *George Savile* said, the noble lord had spent a great deal of time in speaking to almost every thing but what constituted the real jet of the business under consideration; to every thing else, to speak in the language of finance, he had paid attention in the proportion of 90 per cent. The noble lord had talked first of the precedents of renewals of the charter at this time, and that time, and the other time; and had spoken of the connection that subsisted between the public and the Bank with a degree of warmth, as if he had been describing conjugal love, and enlarging upon the affection that subsisted between a man and his wife. To look at the subject in that view, he desired to know if the public was about to take a new wife, whether it was fair to say, your great grandfather married the great grandmother of the young lady without a fortune; your grandfather also married her grandmother without a fortune; your father married her mother with a small fortune, and therefore you ought to marry the daughter with a very trifling increase of portion? Surely it was much fairer for the public to say, "Ay, indeed, were my ancestors so improvident? I will not copy their example. The young lady's father is grown rich, he can afford to give his daughter a good fortune, and a good fortune I will have, or I will not marry the young lady." The noble lord had talked a great deal about the amazing benefit that would result to the public from paying off two million of navy debt. The use to which he meant to put the money, if the bargain was ratified, was totally out of the question. The public had an estate to sell. It was not therefore the question, how the produce of the sale was to be applied? The real jet of the question was, what was the worth of the estate? The noble lord had scarcely once touched upon this, though, like a great leviathan, he had tossed and tumbled again and again, over every thing foreign to it, and seemed to delight in floundering about the truism, that it was a good thing to lessen the navy debt. Having an estate to sell, the natural thing was, not to spend time in talking of the application of the produce of the sale, but to take a survey of the estate, to examine what buildings were upon it, what profits the crops produced, and to judge, by such a survey, what price to put upon it, if sold, or what rent, if let. Would any man in private life bear to be told by a tenant, "I will give you six-pence an acre for what is worth a pound; and my reason is, a hundred years ago, when land was cheap, and for want of culture, your estate produced but little, your great grandfather let the farm I hold, at that low rent." In the present case it had been admitted, that the profits of the

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Bank were 239,000*l.* a year. The Bank wanted a renewal of their charter for 21 years. The sole question then was, how much of that 239,000*l.* arises from their charter? He would assume that the whole did, and put the *onus probandi* that it did not, upon the Bank. He then, upon that assumption, built an argument that the public were about to sell several millions for the paltry sum of 150,000*l.* After arguing this for some time, he said, the Bank business was to him something like magic. They coined their flimsy pieces of paper. The King coined solid, weighty pieces of money, and that money was made of sterling gold and silver; yet the thin paper, with certain magical circles drawn on it, was deemed the most valuable, and men were best pleased with obtaining it. He supposed the directors coined this paper at will, so that, in fact, it cost them nothing to lend the public 2,000,000*l.* After putting this in a whimsical manner, sir George came to a more serious objection, and said that he objected to the point of time; not the time of the session, but the time that the bargain was brought forward, considering how much of the term of the present charter was yet unexpired. Was it wise, four years before the expiration of the charter, to make a new bargain? At this moment, when public credit was crippled, and the 3 per cents. at 58. Why not wait till they were better? Surely no man would presume to say, the war would continue five years longer, and that stocks would be lower than they now were, at the end of that period. Sir George concluded by declaring he should vote against the resolution.

Mr. *Jenkinson* supported the motion. He said, if the value of the farm was to be judged of by the price of the rent, the value of the renewal had been but small in 1764. He shewed that the dividend of the Company had been 8 per cent. till that period, and then only 4 per cent. He was in office with Mr. Grenville, and had often heard him say, he thought the bargain of 1764 a good one for the public. He remembered, in particular, that it was the general opinion that such was the national advantage of the Bank, that the public ought to ask no premium whatever for the renewal of the Bank charter at any time. An eminent merchant, a Bank director at the time, had strongly opposed the bargain of 1764, on the ground of its being too hard a one for the Bank. That gentleman was ever looked up to as perfectly master of all commercial knowledge, and he had a son now in parliament of great ability and great information; and yet that respectable merchant had rested his opposition on the grounds, that the public had no right to exact a shilling for the renewal of the charter of the Bank. Being asked, whom he alluded to? he said, the late sir William Baker. He argued the ridiculousness of thinking even of breaking up the present Company, and instituting a new one. He spoke of the great credit of the Bank, resulting from its great and extensive capital, its excellent management, and the punctuality of all its proceedings, and shewed the extreme danger of pulling down a fabric which had stood the test of near 90 years experience. He said, the great amount of the profits was not ascribable solely to the charter, but to the directors' industry and the large share of public confidence which they enjoyed. Another source also was, the circumstance of their being made the bankers of persons in great public offices, which, however, was the option of the individuals holding those offices. For, said he, if either of my hon. friends [looking at Mr. Rigby and Mr. Ellis] chose to lodge the public cash entrusted to them at a private banker's, they are warranted in so doing. But as long as the Bank preserves its credit, undoubtedly they will not.

Mr. *Hussey* said, he came down to the House with his head filled with ideas, as clear and as forcible against the proceeding farther with the present proposition as possible; but he feared he should not be able to state them correctly, so much puzzled and bewildered did he find himself in consequence of what had been stated by the noble lord and the right hon. gentleman who spoke last. There were, he observed, but two points to be considered: Was the present proposition equal, with regard to advantage to the public, to the advantage the Bank would derive from a renewal of their charter; and was this the fit time to grant that renewal? With respect to the first, he thought he could make it appear, that the bargain was a bad one, and that the public had a right to expect a much better. He then went into an arithmetical statement of the present profits of the Company, and the situation in which the public stood with regard to their debt to the Bank, and the expence it would cost them to institute a new com-

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pany, including the sums necessary to be raised towards paying off their debts to the Bank. After going through the whole, and reasoning upon each part, he asked, why the noble lord was to anticipate his successor of the advantage that might possibly be made five years hence, of a renewal of the charter of the Bank, and why, at this particular period, any bargain at all was thought necessary to be concluded upon? He also entered into an investigation of the sources from whence the Bank was to draw the two millions offered, and said, the directors certainly were not so unwise as to let that sum lay unemployed in their coffers. And if they took from any other fund, the sum would be missed and felt. He imagined the Bank meant not to do so. He supposed it was their intention only to lend their credit to the public, and that was undoubtedly the most prudent method. He contended, that the charge of 86,000*l.* for management last year was in the highest degree unreasonable. He said the public kept cash at the Bank, and therefore the Bank ought to do the public money-business without charging any thing for it. A private banker would be glad to do it on such terms. He was aware that 10,000*l.* of the 86,000*l.* was for transacting the loan, but the remaining 76,000*l.* he conceived to be more than all the expence the Bank were at, for servants, &c. and he insisted upon it, that if the Bank could afford it, they ought to assist the public with two millions at three per cent. without having any reference to the renewal of their charter, of which it would be time enough to treat five years hence. He stated the profits of the Bank at 240,300*l.* and imputed the whole of it to the credit resulting from the charter granted to the Bank.

Mr. *Jackson* supported the motion as every way warrantable. The bringing of the bargain forward at that period of the session, he said he had objected to as soon as he heard it; but he had been told those reasons for it which the House had just heard. The terms of the bargain he thought sufficiently advantageous, and estimated the value at 200,000*l.* He answered what sir George Savile had said, with regard to asking the value of the produce of the estate in order to ascertain the rents, by desiring to know, if ever a reasonable or wise landlord would expect the whole of the profits made by his tenant? He observed also, that the buildings on the estate were not the property of the landlord. He was extremely sorry to hear it said in that House, that the Bank ought to come and offer to lend the public 2,000,000*l.* at 3 per cent if they could afford it. The Bank were not bound to make such a tender, by any of the bargains for the renewal of their charters hitherto, and God forbid, that the Company of the Bank, or any individuals, should be expected to lend their money to the state, or have it taken from them whether they chose it or not! He said, he had voted against all the measures that had brought on the present calamitous state of the country, but he could not vote against this which was calculated to relieve it.

Mr. *Fox* said, on the face of the bargain, estimating the interest of money by the three per cent. the interest was five per cent. and in that case the public sold upwards of four millions for 150,000*l.* He argued against the motion; in particular, he contended that Mr. Jenkinson, by declaring that the Company owed its high credit and all its profits to its large capital, had in fact admitted, that its charter was the source of every shilling of benefit it derived, and all the credit it enjoyed, because the charter was indisputably the cause of its large capital. He said he wished the hon. gentleman who spoke last had voted oftener, as he had told the House he thought, that the late system of government was pernicious.

Sir *Grey Cooper* thought every argument founded on mistake, which had been urged against the motion. The question was not whether the loan of two millions was an adequate price for the profits of the Bank, but whether it was an equivalent for the renewal of the Company's charter? He instanced the opinions of Mr. Montague, lord Godolphin, and other great characters on this point, when the Company was first established on a broad footing in 1696, to shew that each of those statesmen thought the establishment and prosperity of the Bank so much a national benefit, that they were of opinion no fine ought to be expected for a renewal, but that the Company should always be supported and cherished by the public.

Mr. *Dempster* said, that when the Bank was first instituted in 1694, so little acquainted were the directors with banking business, that they issued notes not payable at sight, but payable at a certain date; and when they became due, having no funds provided to answer the bills, the whole system was shaken, and the public

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were obliged to interfere and restore it. As the directors laid by one-half per cent. for contingencies, he should estimate their profits so much higher than their dividend, and therefore he stated them at 290,000*l.* He reasoned upon this, and urged the postponement of any bargain for the present by a variety of arguments.

Mr. *Pulteney* said, the bargain came forward in a very suspicious manner. If the charter was now renewed, the Company would be independent of government for 21 years to come, and the minister might be refused assistance when the public stood in need of it.

Mr. *Samuel Smith*, jun. said the other side of the House had mistaken the matter. The 239,000*l.* was by no means an annuity; take away the exclusive right, and the supposed annuity would cease immediately. He stated it as the private profits of the Company's trade, with which the public had no right to interfere. He reprobated the idea of putting the connection between the Bank and the public on the same footing as a connection between a private individual and a private banker; and said, as the public were generally, as had been stated, seven or eight millions in debt to the Bank, there could be no surplus of the public cash in the Bank for the latter to turn to its advantage; consequently, the Company had a right to be paid for their management of the public affairs.

Mr. *Pulteney* said the argument was fallacious. The public paid the Bank interest for its debt, consequently that was out of the question altogether; and as the Bank were in receipt of the public revenue, the Company derived greater advantage from being cashier of the public, than any private banking-shop did from its best customer. He renewed his arguments on the ground of the Bank being independent of government in future, if its charter was now renewed for 21 years; and said, in that case, the minister could only get his loan forwarded by administering douceurs to the Bank directors. He reminded the committee, that the public had lost a million this year by the noble lord's not having been master of his bargain, and having differed with the Bank directors about it.

Mr. *Byng* advised the noble lord to fund two millions of navy debt rather than agree to the present bargain, which he said had been in the course of the debate so fairly proved to be so much against the public, that it was unnecessary for him to add a syllable on the subject.

Mr. *Ewer* (Governor of the Bank) said, he should prove himself little worthy of that confidence which the proprietors of Bank stock did him the honour to place in him, if he did not stand up in their defence, and declare as a member of parliament, that the proposition held out by the directors of the Bank, was such as he could meet on public ground. Were the case otherwise, he should be ashamed to shew his face in that House, because it was well known that he had some hand in the negociation that had taken place, and in framing the proposition which the noble lord had treated upon. He thought the Bank offered fairly and handsomely, when they offered the public a loan of two millions, at 3 per cent. interest for three years; but if the argument, that the public had a right to a fine, equivalent to the value of the entire profits of the Bank, was true, in that case he was ready to admit, he had made a bad and an unfair bargain for the public. He trusted, however, that no gentleman would seriously maintain, that the public had any claim to the whole of those profits which arose from the industry, the hazard, and management of the directors of the Bank. He was convinced the public had no more right to those profits than to the profits of the private trade of any individual, or of any private banking company. Impressed with this idea, he had agreed to that proposition, upon which the directors had treated with the noble lord, and nothing that had been said on the other side of the House that day had induced him to change his opinion. Some strange arguments had, he observed, been used in the course of the debate. One hon. gentleman had said, the Bank in offering a loan of two millions offered nothing at all, for that in fact it would not cost the Bank any part of that sum. Another hon. gentleman, who had, he should have supposed, a kind of hereditary knowledge of public business and of Bank affairs, said, he supposed the Bank would coin the sum by issuing so much additional paper, and therefore it was a mere piece of magic. Good God, could public business be so little known, that at this time of day it should be supposed that the Bank could coin whatever sum they wanted, by issuing just as much paper as the minister pleased? He flattered himself the conduct of the Bank was better known, and that no person was ignorant that such a circumstance was impossible. Another gen-

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tleman complained of the independence that would be given to the Bank by a renewal of the charter, and had said, "would the noble lord make the Bank independent of government for 25 years? in that case, the noble lord might feel the want of their assistance the next year." In answer to this, it was necessary to remark, that the public were by far the best customers the Bank had. Their credit, their power of accommodating government, arose solely from their being the cashiers of the public; and gentlemen ought to remember, that the Bank were the cashiers of the public, at the will of the public. They could not oblige the public to let them transact their money affairs. If, therefore, at any time, the directors acted so ill, so imprudently, or so rashly, as to refuse granting to government every assistance in their power, as often as the occasions of the state rendered such assistance necessary, government would have it in its power to continue the Bank the cashier of the public no longer, and that was surely a check sufficiently strong to put an end to every fear of the Bank's behaving less gratefully to the public, after the charter was renewed than before. He said, he must advert to a matter that dropped in a former debate; and that, because it had got abroad through the newspapers, and had made some impression without doors, much to the prejudice of the Bank directors. It was this: an hon. gentleman, whose indefatigable industry, high character, and acknowledged abilities (Mr. Pulteney) made every thing he said have great weight, had stated to the House, that he had been informed that the Bank directors, taking advantage of their knowledge of the bargain now under consideration being on the anvil, had bought up navy bills to the amount of two millions; and that in consequence, they would only advance two millions to pay themselves back what those navy bills had cost them, so that they would make a considerable profit, and in fact not lend the public a shilling. In answer to this, he must declare, that whoever had acted the part of an informer, had done it to make himself appear of importance in the eyes of the hon. gentleman, and that he was not only a forward and officious person, but a bad man, because he had taken upon him to speak of a transaction, with which he had not, nor could have been in the least acquainted. Mr. Ewer added, that he did not hold himself so far answerable to any person either in that House or elsewhere, for the private transactions of the Bank directors, as to be obliged to rise and satisfy every doubt that was casually suggested respecting their conduct; but since matters were gone so far, and what the hon. gentleman had stated had produced such an injurious effect, he would assure the House that the Bank directors had not purchased a single navy bill since the 1st of April, the time the present proposition had been in agitation. Nay more, he would farther assure the House, that within the last six months, the Bank had not purchased any thing like the one half of the amount of navy bills which the hon. gentleman had been informed they had. The reason why the Bank had not purchased any navy bills since the 1st of April was, the consciousness of the directors of the impropriety that there would be, pending the negociation of a bargain upon such grounds as the present, for them to purchase any; and the reason why they had not purchased more during the last six months, was, he supposed, because there had not been many in the market. If there had, and they had been a dead weight upon the public credit, undoubtedly the directors would have lightened the load, from that principle which had always actuated their conduct, namely, a readiness to assist the public whenever an occasion presented itself. He concluded with saying, that he thought the present proposition a beneficial bargain for the public, and the terms of it, he was convinced, were the best that the Bank could possibly come into.

Mr. *Hussey* said, he had never talked of the Bank's coining the two millions. He never dreamt of such a thing. He had said, that the Bank put itself to no real expence on the occasion, they only lent their credit to the public; and he had argued it in this manner: "It cannot be supposed that the Bank have two millions of unemployed cash in their coffers; to suppose that, would be to suppose the Bank directors unwise persons. If they take the money out of any other fund, the effect will be felt somewhere;" whence he had concluded, that they lent the public their credit; and in so stating it he had argued to their credit. He repeated his arguments that the 240,000*l.* annual profits of the Bank Company were ascribeable to their charter, and therefore the public had a right to some equivalent for the renewal of that charter.

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Mr. *Ewer* declared, when he had taken notice of the argument relative to the Bank's coining paper, he by no means alluded particularly to the hon. gentleman. He was perfectly aware that the hon. gentleman's argument was that which he had just stated it to be. He said, that the Bank certainly would not have thought it prudent, to advance the public two millions on the terms proposed, unless the charter was renewed; it was that renewal which gave their credit stability, and made them venture the loan, which otherwise they would not perhaps have thought themselves justified in advancing.

Mr. *Hussey* said the hon. gentleman had himself confessed the truth of his argument *in toto*. He had admitted that the charter gave the credit of the Bank stability, and justified the loan of two millions. This was at once acknowledging that all the profits of the Bank arose from the charter, and that upon the strength of the charter, the Bank ventured to lend its credit to the public.

Mr. *Hartley* went shortly over the general ground of the argument against proceeding farther with the bargain this session, and contended that a matter of such importance ought not to be hastily concluded, nor in thin Houses. He maintained likewise that there was no necessity for hurrying the business, and that the bargain was by no means equal to what the public had a right to expect for the great and obvious benefits resulting to the Bank from a renovation of the charter for 25 years.

The question being put, the committee divided: Yeas 109; Noes 30.

Debate in the Commons on the Bill for securing to the Public a Participation in the Profits of the East India Company.] June 1. On the first reading of the Bill "for securing to the public the payment of three-fourth parts of the net profits of the East India Company at home, above the sum of 8*l.* per cent. per ann. upon the capital stock of the said Company, which have accrued from the 1st of March 1778, to the 1st of March 1781,"

Mr. *Hussey* observed, that though the second reading might be the most proper time, yet, as the very principle of the Bill militated against the interests of the Company, and the counsel were acquainted with the nature of it, he did not see why they might not be heard against the Bill in the very first stage of it.

The *Speaker* here interfered, and said, it surely could not be a question, but that the counsel ought to be heard upon the second reading of the Bill.

Mr. *Bankes* said, that he intended to oppose the Bill, and could not see how any gentleman, who could read the Journals, or look at the statutes, could at all think of hearing counsel at that bar, where every person, he was sure, by making those references, which he should point out to them, and observing those records which had been framed in this House, would be able to determine on this point, without any assistance from counsel, or any other guide but plain common sense; unless some person could prove there were other Journals and other statutes than those to which he should refer them. He stated, that in the month of March, 1778, (and the observation of the particular periods of each transaction was necessary) a petition was presented from the East India Company, praying, that during their then present distresses, and until they had paid off the one-half of the debt which they at that time owed the public, they might be restrained from making any dividend above 6 per cent. and that when they had cleared off the public demand upon them, they might then divide at the rate of 7 per cent. but not exceed that until the bond-debt of the Company should be reduced to one million and a half, and that then the Company should divide 8 per cent. That in April following, the House entered into those resolutions, which the noble lord in the blue ribbon made the foundation of the present Bill; but which resolutions, so far as they relate to the present question, he was certain were totally done away by the subsequent act of parliament, made in pursuance of these resolutions, and containing the whole of these resolutions, being ten in number, that only excepted on which the noble lord had founded the present Bill; and the reason of the neglecting this resolution might be drawn from the following circumstance: In the interval, between the passing of these resolutions and the introduction of the Bill, a petition was presented from the East India Company, complaining of several of the terms imposed by the resolutions, and praying to have the matter settled in the courts below; and the House passed the Bill which had neglected this resolution, which was the great foundation on which the noble lord founded his present demands,

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most likely in consequence of the complaint, and surely the House would agree that the Bill having neglected this resolution, it was of course done away. If, however, there were any doubt with regard to this, it might not be improper to look to the period when the Company's charter closed, in 1779, and it was thought necessary, by a temporary Act, to grant the Company a renewal for a year; was there any assertion of these claims which were now demanded? No; it was enacted, that for the future profits they should await such agreement as might be made between the Company and parliament. Did this seem like a supposition of a right in parliament to the superlucration of the Company? Having stated these resolutions and proceedings of former parliaments, whence he thought it might be deduced, that there was no legislative opinion of the House to justify a claim on the profits of the East India Company, he moved for deferring the farther consideration of the Bill to this day three months.

Lord *North* said, that the manner as well as the matter of the hon. gentleman, who had so ably supported the East India Company, merited a reply; he should therefore think himself unjustifiable if he did not make one, even in this, though unusual, stage of this business. But he hoped the hon. gentleman would excuse him, if in this stage he was rather brief. He said, that he certainly wished an agreement, but the Company had declined one. That the public, before the misfortune of the Company, from which they had been extricated by the public, had a considerable gain by the East India Company, under an agreement which was given up for a time by the public, to alleviate the distress of the Company; and he would venture to say, it was not honourable or just, because the mercy of the public had interfered between the Company and ruin, that they should on the aggrandizement of the Company lose their former advantages for a more recent mercy. By the agreement in 1767, the right to the participation was settled, and the terms of it fixed. In 1773, it was by agreement suspended for a time, on account of the bad state of the Company's affairs. The nature of that suspension was, that it should only be for the time of their distress; that time was now past, and the public had a right to the participation. The only question therefore was, the just sum to which the public were entitled.

Mr. *Bankes* said, the noble lord had mistaken his argument entirely; for he had no objection to come to the question as a subject of future regulation; but as a matter of right to the present sum he must clearly object to it; for the right could only arise in two ways, by act of parliament, or by agreement between parties, in neither of which ways it had arisen.

Mr. *Dempster* spoke highly in praise of Mr. Bankes, and averred that precedents were against the noble lord. He said, that as the management of the trade and participation of the profits were regulated by statute, if any difference should arise, the proper place for the explanation of it would be the courts below, where the matter, from the diligence of the law officers of the crown, might be adjusted as soon as an act of parliament could pass that House.

Mr. *Powys* reprobated the conduct of gentlemen in the several stages of this business. After a debate of five hours, he had quitted the House in doubt which way to vote; and on his departure, he met several gentlemen entering the House who immediately voted, without hearing one word of the debate, with the minister; but he doubted not that they had very solid and weighty reasons for their conduct. He concurred in the propriety of bringing it before the courts below.

Earl *Nugent* rose, he said, more to compliment the worthy young member, who had eminently distinguished himself in his first speech, than for the sake of any thing that he had said to the question. The hon. member had delivered himself with so much reason and eloquence, that he declared he never was more won upon in all his life, and he believed in his conscience, that he would have completely convinced the House if he had not spoken in so bad a cause. The noble lord, however, denied, that the case between the public and the Company could be sent to Westminster-hall, as it was a dispute respecting the territorial revenues, and the courts of law could not take any cognizance of the rights of sovereignty. In the report lately made to the court of directors, relative to the right of the Company to the territorial revenues and acquisitions, it was stated, that the influence of commerce and arms, which had enabled the Company to make conquests, were so blended and interwoven, that it was impossible to ascertain which had made the

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road to conquest, commerce or arms. Now, let commerce have had ever so great a share in the conquest of the territories in India, as arms had co-operated, the conquest must necessarily be vested in the crown; they could belong only to the sovereign, and could not become matter of judicial investigation. The legislature alone was to decide, and no appeal could lie but to the Lord of Hosts.

The House divided on the motion that the Bill be now read:

	Tellers,	
Yeas	Lord Beauchamp Sir Grey Cooper	53
Noes	Mr. Bankes Mr. Dempster	42

Mr. Bankes's motion was negatived without a division.

June 8. Counsel were heard on the Bill. After which,

Mr. *Jenkinson* moved the second reading. He contended on the opinion which the Attorney and Solicitor Generals (Yorke and Camden) had given on the right of the crown, which was only another word for the public, to the sovereignty of the territorial acquisitions, and said that he trusted their opinions would be respected on both sides of the House, as constitutional lawyers. On that right of sovereignty they had a right to revenue, for they were synonymous and connected rights. The claim, therefore, now set up, was consistent in every respect, both with the expressed and implied agreement of the public and the Company, as well as with the constitution of the empire.

Mr. *Fox* entered into the question, and examined the pretensions of the public to the claim now made with his usual penetration, force, and energy. He said, that revenue was, and ought to be, considered as distinct from sovereignty; at least, it ought not to be asserted, that because we had sovereignty we had also a right to collect the revenue in our own way, without consulting those who were to pay it. By the experience which we had in the American contest, we had surely discovered, that robbery was not only disgraceful, but that it also was ruinous. Had not the noble lord yet felt enough of the consequences of robbery? In the beginning of that struggle, so much was the principle, asserted by the right hon. gentleman, in fashion, that it was even said, that if the colonies were to send us revenue, voted in their own assemblies, we ought not to accept of it. Now, however, that maxim was abandoned with respect to America; and we saw, by the letter of one of our governors in the Gazette, that we were happy to accept of revenue voted in any manner. It was abandoned with respect to America, but it was yet ventured to be pronounced with respect to the East Indies. He reprobated the whole of this conduct as impolitic, absurd, and abominable. The acquisitions of territory had been made for the purposes of commerce, under the express sanction of their charter, and unless government repaid them the expence incurred in the conquests, they had not a right to them.

Mr. *Dundas* said, the question of sovereignty was not that now before the House. It was merely the question of the 600,000*l.* to be received as an equitable participation, and this he contended to be due to the public by the records of parliament. He particularly stated the petition of the Company presented in 1765, which declared, that the public had a right to a participation, and by subsequent agreements the measure of that participation was settled.

Mr. *Burke* spoke in answer to him, and said that his arguments only went to prove this clear and undeniable fact, that parliament had a right to make a law to direct a future participation, but not to make it have a retrospective view. He did not mean to enter into the question of right to the territorial acquisitions. Sufficient for the day was the violence thereof. The noble lord's friends were wise in endeavouring to shift the question from its true ground. It required more than common effrontery to acknowledge that he was unjustly and violently seizing on this sum, without right and without pretension. The noble lord might set up the claim of the public on the resolution of that House, with impunity, because he knew that he would be supported in every species of rapacity; but at the same time, he must himself be certain that the claim was only adding insult to injury.

Mr. *Powys* blamed both sides. The Company had acted with negligence, the noble lord was now acting with violence. The Company ought undoubtedly to have come forward, and offered proper terms for the renewal of their charter; but it

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was not enough, that because they did not do this, the noble lord should come forward and seize by force on their property.

Lord *John Cavendish* reprehended the noble lord for his violent and unjust conduct in the whole of the business.

The House divided on the question for the second reading.

Tellers,

Yeas	Sir William Gordon - - Mr. John Robinson - -	129
Noes	Mr. Bankes - - - - Mr. Byng - - - - -	89

So it was resolved in the affirmative.

June 14. On the motion for going into a committee on the Bill, the question was put for the Speaker to leave the chair, and no opposition was expected to it; however a division was called for, and the Bill had nearly been lost; for there was a majority of only 3: the numbers were, Yeas 28; Noes 25. The House then went into a committee; and the Petition from the East India Company, praying to be heard against the Bill, having been read, Mr. Rous and Mr. Erskine were called in as counsel for the Company; they both spoke for a considerable time; and maintained, that if the claim of the public to any part of the profits was well founded, still the demand of 634,000*l.* was too much by 232,000*l.* For as the Bill now stood, the demand was made for a share in the profits of the Company for three years past. Now, according to the resolution of the House, upon which the claim was founded, the public was not entitled to a share in the net profits until the Company should have divided 8 per cent. and reduced their bond-debt to 1,500,000*l.* The Company had, it was true, made a dividend of 8 per cent. at Lady-day, 1777; from which day the public made its claim; but yet it was a fact that the reduction of the bond-debt to 1,500,000*l.* had not taken place till the 26th of June following; and as by the resolution of the House, the public was not to enter into a participation of the $\frac{3}{4}$ of the net surplus profits of the Company, till that reduction should take place; so of course one quarter's share should be taken from the sum of 634,000*l.* actually claimed by the minister from the Company. When the counsel had withdrawn, the quantum of the demand that ought to be insisted upon by the public, gave rise to a conversation between lord North, Mr. Robinson, and Mr. Dundas on one side; and Mr. Hussey on the other. The last mentioned gentleman pleaded for the Company; he however wished for more than the counsel for the Company had desired; for instead of arguing that 232,000*l.* should be deducted from the sum claimed by parliament, he maintained that the deduction ought to be 272,000*l.* On the other hand, it was urged by the noble lord, that the Company had acted wrong in making a dividend of 8 per cent. before they had reduced their bond-debt to 1,500,000*l.* for according to the resolution of the House of Commons, the Company was bound not to divide more than 7 per cent. till the bond-debt should have been reduced; and if the Company had acted improperly, it was not just that the public should suffer by it. However, he was so far inclined to meet the wish of the Company, as to lower his demand, and give the quarter of a year in dispute, claiming a share only for two years and three quarters, and not for three years: it was fair, that out of the surplus sum of 16,000*l.* that remained over and above the dividend in one year, the public should receive 12,000*l.* for its three-fourths. He therefore consented that the blank in the preamble for the sum which the public claimed, should be filled up with 402,000*l.* instead of 634,000*l.* This passed without opposition; but when the chairman put the question, that the preamble, with the blank so filled up, stand part of the Bill, Mr. Hussey opposed it; and said he would divide the committee upon it, because the demand ought to be 40,000*l.* less. The gallery was then cleared: however, the committee did not then divide; but Mr. Nichols from the India House, was called to the bar and examined, the gallery being still shut up; after which, the question was carried in favour of the preamble, with the sum of 402,000*l.* Yeas 80; Noes 45.

Debate in the Lords on the Almanack Duty Bill.] June 20. On the order of the day for going into a committee on the Almanack Duty Bill, lord Sands was called to the chair. His lordship read several of the clauses, which were agreed to, till he came to that by which any person who shall vend or expose to sale an almanack without a stamp, or on which the stamp or impression shall be plainly made, if convicted, shall be liable to a penalty of 10*l.*

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The *Lord Chancellor* wished, that those intrusted with the drawing up of Bills, were either more careful or better instructed. The clause struck him as directly contradictory; for while it neglected, according as the clause was worded, to enable the prosecutor to recover the penalty, where there was no stamp, it punished the vender for complying with the very principle of the Bill, that of raising a certain sum of money by a stamp duty.

Earl *Bathurst* rose to explain. He said various frauds had been practised, with regard to the printing and selling of almanacks; among others, it had been a practice so to contrive to print a sheet almanack that it could be cut into pieces and made up in the form of a book; another was, printing them upon blank paper, and cutting out the stamps of an old almanack, and affixing them thereto. The present clause, to defeat both species of fraud, ordained that the almanacks should be so printed, as that part of the printing should appear on the stamp, which would in his apprehension effectually prevent the annexing an old stamp to a new almanack.

The *Lord Chancellor* disapproved of the explanation, as containing no satisfactory answer to his objection; at least, he was so dull of apprehension, as not to comprehend it. What struck him was, that some word had crept into the clause, which the penner of it never designed. It was fair to presume, that he intended to state it in this manner, that where there is no stamp, or where there was not a plain stamp, the vender or owner was liable to pay a penalty of 10*l*. He imagined therefore, that the word "not," was by accident omitted. It appeared to him a gross mistake, and as such he recommended to their lordships not to give their sanction to what at present seemed to him to be nonsense.

Earl *Bathurst* said, he had attended carefully to the learned lord's objection. The clause, if altered, would enable the fraudulent as heretofore to use the old instead of new stamps, such would be the consequence of his lordship's amendment, for by introducing the word "not," the venders of almanacks would be at liberty to have recourse to their long practised frauds with impunity.

The clause was agreed to without farther opposition; and witnesses called to the bar and examined, to prove the allegations stated in the preamble. The witnesses were Dr. Dennis, vice chancellor of the University of Oxford; Mr. Borlase, register of the University of Cambridge; and a Mr. Young. The substance of the evidence was, that by a charter of Charles 1, the University of Oxford were authorised to print all manner of books, almanacks, prognostications, &c. that the university had leased this right to Messrs. Wright and Gill in the year 1766, at a rent of 550*l*. per annum, upon a presumption that the printing of such books was vested in the university exclusively. The original lessees released the same to the Stationers' Company in 1767, when it appeared that the Company rendered Messrs. Wright and Gill the above sum for a part, namely the liberty of printing almanacks, psalters, A, B, C's, &c. The original charter granted to the university of Cambridge was next produced, granted by Henry 8, in the 20th year of his reign; proving, that an equal right had been vested by that charter in that university. Several questions were then put to Mr. Dennis from within the bar, particularly by earl Bathurst and lord Walsingham; the substance of his answers was to the following effect: That the university had continued to receive from Messrs. Wright and Gill the sum specified in the agreement till after a decree of the court of Chancery in 1776; that the money was partly applied to the keeping the school and public buildings in repair, and partly expended in the printing of learned works. He mentioned several that had been printed, or were now at press; which, from their nature, had, or were likely to have, a very limited sale. Dr. Kennicott had, to encourage him to prosecute his learned and useful researches, an allowance of 50*l*. a year out of this fund; but that since the decree made by the court of Chancery, in the case of Carnan, the Stationers' Company having discontinued their payments, Mr. Alderman Wright had agreed to pay for such part of the monopoly as remained the annual sum of 200 guineas. Mr. Borlase upon being examined, said, the 500*l*. a year received from the Stationers' Company, was mixed in the general fund of the university; that it had discontinued the printing of learned books, and confined their press solely to the printing of such works as were likely to produce a profit. He stated several other circumstances of less consequence; and concluded with saying, that the annual estate of the university was about 1,400*l*.; that it possessed 10,000*l*. in the funds, but that the interest received there-

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on constituted a part of the annual income already mentioned. As soon as the witnesses withdrew,

The *Lord Chancellor* said, the allegations contained in the preamble remained yet to be proved, not a syllable in either of the charters read at the bar giving the least colour to the vesting an exclusive right in the universities to print almanacks, which was the very essence of the Bill, and the only solid ground on which it could firmly stand or fall. His lordship begged to know what were the words in those charters which conveyed the monopoly. With all his industry, and he had been peculiarly attentive while the charters were reading, the only phrase or sentence which made any impression on his mind was, *omnes libros omnimodo impressos;* that right the university of Oxford had granted to Mr. Wright for the valuable consideration of 200 guineas a year. He submitted therefore to their lordships, whether it would be fitting their wisdom and dignity, he might add their justice, to state that, in the preamble of a Bill, to be law which was known not to be so, nor had ever been considered as such. If the facts and question of law had been truly and fairly stated, their lordships would in that case be at liberty to act agreeably to their own judgment; they might think proper, as was the case almost every day, to make that law which was not so before; but as long as he had the honour of a seat in that House, he should ever set his face against any legislative act, however necessary or well intended, which carried on the face of it facts misstated, or false suggestions, as the grounds of their lordships assent. This indeed, if countenanced or practised, would be a most dangerous innovation, because it would in its consequences go to the corrupting the great fountain of legislation itself, and in the end be productive of every species of evil.

So far as to the justice of the Bill, as to the intended application of the money proposed to be raised by it; he confessed himself totally ignorant what motive or pretext there could be for wantonly lavishing so considerable a part of a public tax upon the two universities. Was it consistent with the wisdom and prudence of that House, at a moment like the present, when the country was pressed to the very bone by accumulating debts and taxes; when every possible means should be resorted to, to reduce the public expenditure within the narrowest circle of the most rigid œconomy, consistent with the safety, honour, and well being of the state. Was it in any point of view justifiable to bestow so large a sum, or rather throw it away upon so trifling an object? Had there been any proof adduced to shew that the universities would thrive better with the 500*l.* it might furnish one argument in favour of the Bill; but he would so far do them justice as to acknowledge, that nothing like it had been pretended. It was acknowledged by one witness, that the money received by the university of Oxford had been spent in public feasts, till a regulation had taken place to prevent it; and at Cambridge it had been all along thrown into the common stock of the university; nor was either stipend, in his apprehension, employed to any of the uses for which they had been originally granted. Taking the matter in the most favourable point of view, was it of material benefit that the university of Oxford employed their money in printing books, which, when printed, nobody would buy, as had been very ingenuously stated by the reverend gentleman when examined at the bar; and for what reason? the very best in the world, because when printed it was only one man in a thousand, nay in an hundred thousand, could either read or comprehend them.

For his part, when he went to the university, he endeavoured to acquire that species of learning which promised to be most useful to him in his intended pursuits, otherwise he should think that he had spent his time very unprofitably. He never troubled himself about Persian or Coptic, but confined his attention to that kind of study, which was likely to make him understood, and to enable him to understand in turn. Much stress had been laid on an edition of lord Clarendon's State Letters; yet, whatever merit the university of Oxford wished to derive from this circumstance, it was at most but partial. There were many wise and able men of all parties, who thought it would have been full as well if the idea had never been suggested or adopted; who were of opinion, that the private letters of statesmen might have better lain in their original depositaries, than after so many years be dragged into public view. His lordship adverted to other books mentioned at the bar, which he called curious trifles; and observed, that at Cambridge, they had long since wholly forborne to print any

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books but such as held out a prospect of a profitable sale. His lordship observed, that conferring favours on the universities, was attended with a certain degree of popularity very pleasing to some men. It invited to panegyric and eulogy. It was easy to make a fine speech in their praise; and to ring the changes, *ad infinitum*, upon the propriety of doing every thing which could promote their interest, as the great seminaries of morality, religion, and learning. This all sounded very well in a speech; but however great the deserts of the universities might be, it was one thing to reward them, and another to sacrifice law, truth, justice, and prudence to effect that, which, if necessary, could be effected without any sacrifice whatever.

He believed no noble lord who heard him, entertained a higher veneration and respect for those two learned seminaries than he did. Extensive as they were in their learning, and exemplary in their morals, he considered them as every way entitled to public esteem; he thought them productive of the highest national benefit, and a public ornament to the kingdom; but deep as these ideas had imprinted themselves in his mind, he could never consent to the passing of a Bill, the ground of which was founded in falshood. The claim or right stated in the preamble, being equally repugnant to law and justice. The law had already declared itself against the claim; it was unsupported by custom, and was of course, in whatever shape it might be brought forward, founded upon false premises. So far he thought he had discharged his duty; if, however, a majority of their lordships should differ with him in opinion, he should in that event acquiesce, being resolved to give their lordships no farther trouble.

The Archbishop of *Canterbury* said, he totally differed from the learned lord. He could not see the Bill in the same light in which the noble lord had described it. As to the money proposed to be granted to the two universities, and which had been formerly paid by the Stationers' Company, it had been paid for a lease of that right, which by the charters granted to the universities, it was presumed had vested such a right in them. This right had not been questioned for a period of upwards of 150 years, and it was universally understood, that the princes who granted those charters, were fully competent so to do; not as an act of mere prerogative, unsupported by law, but as supreme head of the church. The Calendar, annexed to the book of Common-prayer, formed part of the ritual; and therefore, in his opinion, came very properly under the cognizance of the church, and of the king its supreme head. In former times, the archbishop of Canterbury, or his chaplain, revised or examined every almanack before publication, and even still the same custom was adhered to in respect of the Calendar. His grace concluded with declaring his full approbation of the Bill, as supported by ancient undisputed claims, and strictly conformable to the rules of equity and justice.

Lord *Walsingham* opened his speech with acknowledgments of the great abilities of the learned lord who spoke lately, and professing his respect and prompt attention to whatever fell from him. It would ill-become him to attempt to follow that learned lord upon this question as a point of law: he could not conceive that the merits of the decision of the court of Common Pleas need now be the subject of their lordships' discussion: yet, if ever that question should again be agitated in any other shape, the decision he was sure would stand the test of the severest scrutiny; and though his own partial opinion might lead him from particular reasons to treat it with unusual deference, yet he was authorised as a public man to speak of it as perfect, because unanimous and hitherto uncontradicted; binding because no man had ventured to appeal from it. The fact, however, was, that whether the decision was right or wrong, the universities had from that moment been deprived of a revenue of 500*l.* per annum each, which they had long been in the receipt of, in consequence of their having made over to the Stationers' Company their right, whether real or supposed, of printing almanacks, until it was found that such a right was not exclusive. The Bill was offered, under these circumstances, to their lordships' consideration in two lights: first, to raise an additional sum of money by way of duty upon almanacks; secondly, to appropriate 1,000*l.* per annum of that sum, as an indemnification to the two universities for the loss they have sustained.—But the noble lord at the head of his Majesty's council had urged another very material reason, distinct from the professed object of the Bill, to induce their lordships to concur in passing it into a law, and that was respecting the revenue, which the noble lord proved to have been grossly

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injured, and that in a two-fold manner, both by fraud and evasion. The Act requires a single duty for almanacks printed on one side of the paper, and a double one for all others. This they evade, by printing a sheet almanack so that it could be folded up and bound up in a book, and be sold as a book almanack, which ought to pay double duty; and secondly, by cutting off old stamps, and affixing them to new almanacks; to prevent which, it is now proposed to print the almanack over the stamp. They answered in effect, it was true, the same end, though the end, though the mode differed according as opportunity or expediency invited. He did not take this merely for granted, though he heard it urged in argument, but formed his opinion upon the most incontrovertible evidence, the acknowledgment of one of the offending parties; for Mr. Carnan had himself admitted the fact, and stated by way of apology, that it had been the custom of the trade, and he had done no more than the rest of his brethren. He told their lordships plainly, in an instrument containing his case, that he had been obliged to do so; consequently, there could be no further doubt respecting that species of evasion, which, in his opinion, fully supported the preamble of the Bill, which was a material part of the learned lord's objection. His lordship hoped, after such proofs as these, the House would entertain no farther doubts respecting the material injury the revenue must continue to suffer should the present Bill be thrown out; and if any additional motive were necessary to quicken their lordships' attention, he trusted the very pointed observations made by the noble lord who spoke last, would be sufficient to satisfy their lordships, that the present Bill, independent of the profest object which it held out, seemed in the present situation of public affairs to challenge double attention.—The learned lord had remarked with his usual ability, and pressed with his wonted weight and force of argument, the necessity of a strict collection of the national revenue, and of its faithful application and expenditure in the public service. It followed then, that if the present Bill went to correct or detect an existing evil; namely, evasion of payment or actual fraud, that it of course embraced one of the prime objects, which the learned lord appeared to have so much at heart. On this ground the Bill appeared most clearly to meet the sentiments of the noble lord, and of course must so far strike his lordship, as wise, necessary, and expedient. He begged however to make one observation upon an argument which had fallen from the noble lord, and which must strike home to the feelings of every serious and honest mind, namely, the care that should be taken how new taxes were imposed upon the subject, which might be an additional grievance to them under their present difficulties: this was a tax, which if not raised by the Bill, was not to be paid at all; it was an optional tax, not a tax of compulsion; for every man might buy an almanack, or not, as he pleased: it was a tax upon curiosity perhaps, or upon luxury, for it could hardly be called a necessary of life; it could be but ½d. in a year upon each individual, and most of all, it would fall upon the fraudulent, and not upon the honest part of the community.—The utility of the Bill in his apprehension being thus proved, he hoped, to the satisfaction of every noble lord who heard him, the application of the sum proposed to be raised, was in his opinion no less commendable; as also what advantages the public would be deprived of, if this Bill did not pass into a law. He expatiated on the many useful and valuable books which never would have seen the light if it had not been for the encouragement they received from this fund; works of a curious and literary description, but perhaps not in great demand from the public at large, and which therefore it would not have answered to any person of the trade to have printed for public sale. He dwelt on the excellence of their editions of the classics, and referred the House to the preface of Dr. Harwood's Classics; a book of good repute, in which the university publications are described at large.—His lordship took an occasion, in the course of this eulogium on the two universities, to allude to his own education there, but more particularly to his father's having represented the university of Cambridge; yet how much soever he might be attacked, as if he acted on a public measure from his private feelings, he did assure the House he never wished to substitute partiality or prejudice for motives which could only operate with him as a legislator. He was bound, as a member of that House, to stifle or suspend his feelings, and only to consult his judgment, abstracted from every other consideration; to take up the measure fairly, and consider it only upon public ground.—In that point of view he

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was persuaded, that the Bill would appear to be strictly entitled to their lordships' countenance; as the benefits intended to be conferred on the universities, were not partial or personal benefits to them exclusively, but directed expressly to the advancement of science, and the dissemination of learning. His lordship then drew a comparison between the protection given to other universities in all the polished courts of Europe, and called upon the House to enable our own universities to maintain the high rank they at present enjoyed over the whole globe, as repositories of knowledge and science, in all their respective branches. He said, it had ever been the practice of all civilized countries in all times to encourage these institutions, for the obvious benefits which were the natural result of them. It had been so from the days of the learned and eloquent statesman, who established the first library at Athens, down to the times in which we lived, and where that laudable emulation was still to be observed in those modern ornaments of Europe, the emperor's library, the Louvre, and the Vatican.—Surely, then, with us it is peculiarly an object of legislative consideration: it has always been considered so; and it is upon this principle that the Act of queen Anne directs, that copies of all books, entered at Stationers Hall, should be delivered to those two universities. And in the year 1736 he mentioned an instance of an account being laid before the House of Commons, of the actual number which had been then delivered, and which number he stated to the House. He also mentioned other instances, in which parliament had taken up the cause of the universities on public ground.—He knew it would be very unnecessary to quote the example of the other House, or endeavour to rouze in their breasts a commendable emulation in respect of the encouragement to be given to learned men and learned works. He was persuaded, that their lordships would not be behind hand with the other House, but would gladly stand forth the protectors, encouragers, and patrons of science, whenever patronage and protection became necessary. And here he begged leave to observe, with all possible deference to the noble lord who spoke last, who he hoped would excuse him for differing from him respecting the works printed at the Clarendon press, which the learned lord represented as totally useless, and not calculated to answer the real and substantial purposes of learning: he believed that might be the case in some instances, but by no means in all, or even in a comparative degree. But, allowing the objection was better founded than it appeared to him to be; he would submit to the learned lord, whether what might seem not to be calculated to convey general instruction, would not reflect honour on the university for their attention, even to the most abstruse works, if they could be useful to any particular or local branch of literature, and by having made their way to the several great seats of learning in Europe, remain as monuments of the disinterestedness and public spirit of a British university. His lordship urged several other arguments in favour of the Bill, which, he said, was, upon every ground of justice and utility, entitled to his hearty concurrence.

The *Lord Chancellor* thought it necessary to explain a few particulars which seemed to be misunderstood by the noble lord who spoke last. His lordship, before he went into explanation, paid several handsome compliments to the noble lord's candour and abilities. He was a credit to that House, and an ornament to his public character, and as so accomplished a speaker was listened to with that degree of attention which distinguished talents were ever sure to command, it became the more necessary for him to prevent the effects of misapprehension in the speaker. The noble lord had thrown out an idea relative to the legal decision between the Stationers' Company and their opponent, as if he had called the justice of that decision in the court of Common Pleas in question. Had he done so, he should have laid himself justly open to the most severe animadversion, because that decision made no part of the present case, and if it had, would, in the manner represented by the noble lord, have weakened, instead of strengthened his argument. The question, if he understood it right, was not directly concerning the charters granted to the two universities; but to the validity of the patent which they had granted to the Stationers' Company. His lordship made two or three observations to the same purport, and sat down with declaring his total disapprobation of the Bill.

The clauses being all agreed to, the Bill was reported, and ordered to be read a third time.

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Debate in the Commons on the Bengal Judicature Bill.] June 19. The Bill to explain and amend so much of an Act, made in the 13th of his present Majesty, intituled, "An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe," as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta, in Bengal, under a judgment of the supreme court of judicature; and also for indemnifying the governor general and council of Bengal, and all officers who have acted under their orders or authority, in the resistance made to the process of the supreme court; was read a second time.

Mr. *Dunning* expressed the strongest disapprobation of the Bill, as well from its contents as from the knowledge he had of the integrity of the judges, whose conduct was censured thereby, though they had not been heard in their defence; consequently, every principle of justice was violated with regard to them; as conviction and punishment which was inflicted by the censure conveyed in the Bill, was made to precede a trial. He commented upon every clause, and said that there was not one to which he could give his assent, except that by which the governor and council of Bengal were to be indemnified for the opposition they had given to the execution of the judges' decrees. It went to establish a despotic power in the governor-general and council, subversive of all liberty, and totally inconsistent with the constitution.

Sir *R. Sutton* spoke against the Bill upon the same grounds, and insisted that as it was contrary to justice, to condemn even the guilty unheard, so it was still greater, when the innocent were condemned without a trial; and that the judges in India were innocent, was a fact which he would pledge himself to prove.

Mr. *Burke* observed, that as the hon. gentleman who spoke last admitted some parts of the Bill to be necessary, it was a complete answer to his learned friend's opposition in this stage of the business; for in a committee every exceptionable part might be struck out. He therefore declined troubling the House with a full discussion of the several clauses on this occasion, but pledged himself to vindicate them all substantially in the committee.

General *Smith* said, that as chairman of the committee, he should think himself pledged to shew the House that all the allegations of their report had been proved.

Mr. *Graves* felt the greatest indignation at seeing such a Bill patronized or defended by any one. It militated against every principle of justice and equity; and he could not but feel for the House, when he saw that the judges of the fairest character, whose integrity stood totally unimpeached, experienced a treatment that the worst of felons in this country could never be exposed to—that of being condemned unheard. The Bill, then, being of so unjust a nature, he should hold himself unworthy of the name of legislator if he should give his assent to any part of it.

The Speaker then put the question, that the Bill be committed, which was carried. General Smith then moved, that it be committed on Friday; and Mr. Dunning moved by way of amendment, that the words "on this day three months," be inserted in the room of Friday next; the amendment, however, was rejected, and the original question carried without a division.

June 22. The House resolved itself into the committee. On the clause which exempts persons acting under the authority of the governor general and council from the process of the court, except when life or liberty were concerned, sir R. Sutton moved for the insertion of the words, 'or of property:' which he said were necessary, as the power of the governor and council would otherwise be completely despotic. It was argued, on the other hand, that if life, liberty, and property, were excepted out of the power given to the council, the Bill was nonsensical, as it would give no power at all. Mr. Burke said, that the East Indies ought to be considered as barrier towns, where military or arbitrary powers must prevail; that the idea of establishing civil liberty in India was absurd; the religion, laws, and prejudices of the country were against it: if, therefore, it was necessary to establish arbitrary power there, it was better to lodge it in the hands of the governor and council, who were responsible for all their actions, than in the hands of the supreme court of judicature; because judges were responsible only when it appeared that they had acted corruptly and wilfully wrong. Sir R. Sutton laughed at the idea of treating a people twice as nu-

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merous as the inhabitants of Great Britain, as the inhabitants of a barrier town. The committee at last divided upon the amendment: Yeas, 6; Noes, 76. The committee then went through the Bill, clause by clause.

June 27. Mr. *Dundas* brought up the report of the secret committee appointed to enquire into the causes of the war in the Carnatic. He likewise brought up the appendix, which was extremely voluminous. As soon as he had presented both, he moved that they should be printed. He said, he did not intend to go at large into them just then. He felt it necessary, however, to occupy a few moments in just stating the manner in which the committee had conducted their inquiry, and the rules by which they had governed their proceedings. By the size of the report and of the appendix, the House, he trusted, would see, that however deficient their committee might have been in other respects, they certainly had not been sparing in regard to labour and attention. When the committee first met, they had found extreme difficulty as to the mode of procedure, the business of the inquiry being perfectly new to them. The method they adopted was this: they issued orders to the servants of the Company at the India house for copies of all the recent dispatches from India, and they issued similar orders to the secretaries of state, and the secretary at war. On the perusal of those dispatches they found a variety of charges pointed against particular persons, and accusing them as the causes of the Carnatic war, which had arisen in consequence of their neglect and ill-conduct. In the last dispatch from Bengal, it appeared that the governor and council had detached sir Eyre Coote to Madras, with a number of troops, as soon as the news arrived of Hyder Ally's invasion of the Carnatic, and that they had afterwards sent a large sum of money to the Madras presidency, but under this singular regulation: that the money was to be at the command of the general of the forces, but that the civil government of the presidency of Madras was not to touch any part of it, nor to have any sort of power over it. The dispatch likewise contained sir Eyre Coote's letter to the Bengal presidency on his arrival at Madras, in which sir Eyre declared, that he found every thing in a state of the utmost negligence and want of preparation. That although Hyder Ally had been so long in the Carnatic, the gun-carriages were merely getting ready, and that the whole appearance of things spoke a general system of inattention, carelessness, and misconduct. It was necessary for him here to mention, that the present governor of Madras was Mr. Wintle. As soon as the committee saw these dispatches, they formed their ideas of a plan to be pursued in the conduct of their inquiry, upon the information these dispatches afforded, and they divided the plan into three distinct heads of enquiry: an enquiry into the state of military affairs in the Carnatic, both at present and previous to Hyder Ally's irruption; an enquiry into the political state of affairs there, both now and heretofore; and an enquiry into the state of the finance of the Madras presidency. Upon the first head, viz. that of the military, the committee had already concluded their report, and the appendix to that report, both of which he had just presented. The second report, that upon the political state of the Carnatic, was not quite ready, but in a day or two, he trusted, it would be. It might be supposed, that as so many strong and heavy charges appeared in the dispatches against particular persons, accused of having by their misconduct caused the late disasters in the Carnatic, the committee had examined some of the persons referred to in the dispatches. The fact, however, was, they had not examined one. At the same time he begged the House not to imagine, that they had come to a resolution of forbearing to examine any of those persons, without having at various and limited times deliberated on the subject, and considered whether it would be right to examine them or not. The reasons which had induced the committee ultimately to resolve not to examine any of the persons mentioned in the dispatches, were these; some of those against whom the charges were pointed, were in India, and others here; and both were so connected, that it appeared to the committee, that it would be extremely unfair to enter into a partial examination, and call upon one description, when it was wholly out of their power to question the other. Again, armed as the committee were, with various and extensive powers, they thought they could not get at any evidence of guilt, sufficiently strong to state to the House as a ground of parliamentary proceeding, and that it would, moreover, be an act of indelicacy, and want of respect,

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were they to commence an examination, which the House might choose to undertake themselves, and which they certainly could carry on with greater solemnity, and greater effect. All the charges that pointed at particular individuals, therefore, they had inserted in their report under the head of the political state of the Carnatic. The committee accused no person, neither did they impute blame to any one; they thought it their duty to report such accusations as fell in their way, and it would lie with the House to enquire and determine, whether those accusations were well or ill-founded. He concluded with moving, that the second report be likewise printed, and said he hoped gentlemen would not merely take the reports, when printed, out of the office as ordinary papers, and consider them as papers of no consequence, but would read them attentively during the recess, and regard them as grounds of future parliamentary proceeding, and as matters relative to the most interesting subject that could possibly challenge the attention of a British House of Commons.

Sir *Thomas Rumbold* said, he would not then take up the time of the House, but should reserve himself for the day when the reports would be rendered the subject of discussion. He rose only to say, that he had been much astonished, when he heard the committee were directing their inquiry to the political state of the Carnatic, where his conduct must necessarily have come under their consideration, that he had never been sent to or examined upon the subject. He was convinced, from what the learned gentleman had said, that the committee had acted wisely in not proceeding to examine him; it was a much better way of taking up the matter, that they had suggested, and therefore he should wait till that House took the subject into their consideration.

The report of the committee on the Bengal Judicature Bill being read,

Mr. *Dempster* said, that having been chosen on an election committee, at the same time that he was chosen on the committee to whom the Petition from the inhabitants of Bengal was referred, it was impossible for him to attend the latter. Other avocations also had prevented his being present, when the Bill, brought in in consequence of the report of that committee, happened to be under consideration; he had never before therefore had an opportunity of speaking his mind on the subject. He then went into an examination of the Bill, and discussed the various clauses of it. In particular, he objected to that which gave the governor general and council of Bengal, a supreme, arbitrary, and uncontrolable power over the lives, property, and reputations of the natives of Hindostan. He argued the oppression, injustice, and dreadful consequences that might ensue, if a clause so inimical to freedom, and so opposite to every principle of equity, was suffered to remain without some modification or other.

Sir *Richard Sutton* took the same ground, and contended strenuously against the clause.

The *Solicitor General* thought that by an amendment all difficulties might be reconciled.

Mr. *Burke* entered into a particular description of the Bill, and contended that in necessity, in prudence, and in policy, the Bill was justifiable. It must always be remembered, that the genius of a people was to be consulted in the laws which were imposed upon them. They were to be adapted to the spirit, the temper, the constitution, the habits, and the manners of the people. The free system of Great Britain was considered by Britons, and justly, as the best and most beautiful fabric of government in Europe; but would the Indians think and speak of it in the same terms? No; their habits were contrary, their dispositions were inimical to equal freedom. They were familiarized to a system of rule more despotic, and familiarity had rendered it congenial. Their situation and their feelings were truly lamentable in the eyes of men enlightened by comparison, and by a knowledge of the true nature of human freedom. It would be a task worthy the benevolence of Great Britain to relieve those nations from the bonds of mental slavery. But if they should resist the lights of philosophy, if they should reject the proposed good, considering it as the greatest of ills, and declare that they loved their old constitution, arbitrary and despotic as it was, better than the beautiful and the free system of British legislation, what must be done? Must we abandon the government of the country rather than agree to rule over them by laws inimical to ourselves? Surely not: men must be governed by those laws which they loved. Where 30 millions were to be governed by a few thousand men, the government must be established

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by consent, and must be congenial to the feelings and the habits of the people. That which created tyranny was the imposition of a form of government contrary to the will of the governed; and even a free and equal plan of government, would be considered as despotic by those who desired to have their old laws and their ancient system. The hon. gentleman painted in the most pathetic colours the situation of the miserable natives. In all their calamities, in all their sufferings, it would be a consolation to their hearts to have their old laws, instead of the new institutions and the new judges which had been imposed upon them by the British legislature. The House had in the report of the committee, an account of the proceedings of those judges. They were arbitrary in the extreme. The incroachments which they made on the most sacred privileges of the people, the violation of their dearest rights, particularly in forcing the ladies before their courts; the contempt that was shewn for their religious ceremonies and mysteries; and the cruel punishments inflicted upon them in case of their disobedience; new, strange, and obnoxious to them; all these things contributed in fact, to compel the British legislature to restore peace, order, and unanimity to the extensive territories of India, by giving them the laws which they approved. We had suffered enough in attempting to enervate the system of a country, and we must now be guided, as we ought to have been with respect to America, by studying the genius, the temper, and the manners of the people, and adapting to them the laws that we establish. Besides, the present distracted state of things in those territories called for the immediate exercise of the wisdom and the power of parliament; an end must be put to the disorders; the contention between the co-ordinate powers destroyed all government; and it must be immediately determined, which of the two powers were to be superior; governor and council, or the judges. As it was, there could be no government, no justice, and no tranquillity; and in fact, those who opposed the present measure did it without consideration; they caught the idea of its being calculated to give uncommon and despotic power to the governor and council; and without reflecting that there existed at this time, a more arbitrary and offensive tyranny, because a contending tyranny, than that which even granting them this position, was meant to be established: they exclaimed against the iniquity of investing the supreme council with exrraordinary powers; did they not know that there now reigned two co-ordinate powers, both claiming and exercising despotism, and that in the most offensive way; in contention with one another; ranging the whole country into parties; tearing the unhappy people; and destroying by their opposition, every principle and end of government, which was order, security, peace, and happiness on the one side; and strength, respect, and splendour on the other. It was immediately incumbent on the British legislature to put an end to this anarchy, and particularly so, because there was no legislation in the British dominions in India, and consequently, no authority which could quiet those contending despots. In doing this they would certainly confer a favour on the native Indians, for they would destroy one of two despotic powers, and by establishing solid government, would at least give security to the governed. This was necessary for the actual preservation of the territories; for no government could subsist without authority; and it was perfectly useless for him in that place, and in that season, to inculcate the necessity of strengthening the hands of government in that quarter of the world. For these reasons, then, the committee who had been appointed to enquire into the complaints of the British subjects and natives of India, had recommended this plan to the House, as the most likely to restore concord and good order to the people, and to give firmness and stability to the government. This was the remedy which they had thought immediately necessary to be applied, for the temporary redress of subsisting grievances; there was no time to be wasted; the session was drawing to an end; and something must be done before its prorogation. If this should be found to be ineffectual, parliament would have leisure to deliberate on some more adequate plan of judicature, in which the sense of the people themselves might be collected, and a permanent system established, founded on their consent.

Mr. *Courtenay* said, he had listened with the utmost attention to the hon. gentleman who spoke last, who often diffused the light of reason and philosophy through that House; however, in the present instance, he had been disappointed. He had heard eloquence pleading the cause of despotism. And what were the reasons adduced by the hon. gentleman? He

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should take the liberty of stating them candidly and fairly. Why; the hon. gentleman had said, that the people of India had no representatives; that they were governed by an army, neither voted nor paid by the British House of Commons; that we enjoyed the monopoly of their trade and industry. What then! Why, said the hon. gentleman, establish despotism over so many millions of patient, inoffensive, industrious people; for that is the only proper mode of governing them. Such are the hon. gentleman's premises; and such his conclusion! And are these the only weighty, important, and incontrovertible arguments, which the hon. gentleman's ingenuity can suggest, in the defence of a clause, vesting the governor and supreme council with absolute despotic authority, over the property, liberty, and lives of so many British subjects? He begged pardon of the House; they were no longer subjects if that clause passed; they were slaves. The hon. gentleman had, indeed, painted the situation of those people pathetically and truly. But what was the whole scope of his reasoning, the jet of his argument? The Gentoos are, indeed, oppressed and wretched at present; but let us furnish the governor and council (whose tender mercies they have so often experienced) with the balm of despotism to pour into their wounds, and all will be well. Such are the principles of legislation; such are the principles of philosophy, on which this clause stands! The hon. gentleman, in order to evince the necessity of establishing despotism in the governor and council, had launched out into a bitter, and, he hoped, exaggerated invective, against the judges. That the judges, taking advantage of their situation, had committed acts of oppression and injustice, he would not deny; but if they had done so, by wresting, perverting, and applying the law, contrary to the spirit and intention of it, was that a reason why a governor and council should be empowered to act arbitrarily and tyrannically, controuled only by their own discretion? The natives, indeed, had one specific remedy. If a Gentoo was imprisoned, he was deprived of his property; nay, if he was deprived of his life by an order of council, the native of India might commence a process in Westminster-hall, and sue the delinquent for damages! Such was the specific remedy; such the redress; such the consolation pointed out to the natives of Hindostan by the humanity of a British act of parliament!—A similar mode of obtaining posthumous justice was, he had heard, established in Turkey. The relations and friends of a convicted and executed criminal were allowed to produce evidence before the judge, and if his innocence was proved, (after his death) he was acquitted of the crime; yet the hon. gentleman had been pleased to treat every idea of granting any portion of freedom to the Gentoos as childish, absurd, and ridiculous. Was it childish; was it ridiculous in his hon. friend (Mr. Dempster) to exert himself with that liberality of sentiment, which always distinguished him, to save the wretched inhabitants of India from the cruel and rapacious hand of despotism?—Mr. Courtenay urged that the same fallacious reasoning, as the hon. gentleman had used, was equally applicable to prove the necessity of governing by arbitrary power in any part of the globe. The hon. gentleman had talked of two co-ordinate despotic powers, which must (without the regulations introduced in the present Bill) exist between the governor and council, and the judges. But the hon. gentleman's assertion was the whole of his logic. He begged leave to ask the hon. gentleman, whether it was not possible to give the natives of India some portion of liberty adapted to their prejudices, laws, manners and religion; this was all he contended for: let ample authority be vested in the supreme magistrates of the state, for the salvation of the state, but not for the oppression and ruin of individuals. To keep the judicial, executive, and legislative powers distinct or separate, was the true and wise policy of every free government. The hon. gentleman had, in defence of his argument, contended, that there was no legislative power existing in the British dominions in India; therefore destroy the judicial power, as far as this clause goes, blend it with the executive power, make it as despotic as possible, for the happiness, protection, and security of the people! He said, he would ever oppose such principles and such logic. Arbitrary power was not to be trusted with any man, or body of men; the temptation was too great, and was ever abused. But in the present case, even the petty, and often oppressive, creatures of power were protected, and the meanest men employed by the governor and council exempted from all judicial prosecution. The torrent of despotism not only threatened the fertile fields of Hindostan with ruin and desola-

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tion, but the foul streams, which flowed from this impure source, were conveyed to the remotest corner of the country. Was it from the mild, humane, liberal conduct of governors and councils in India, that such an unlimited, such a dangerous authority, was to be vested in them? How had the natives suffered by rigorous monopolies? How were such vast, and justly invidious, fortunes acquired in that country? How had the interior police, how had the administration of that country, in respect to war and peace, been conducted? By whose orders, by whose councils, by whose suggestion, was the Rohilla war commenced, and a brave and spirited people exterminated? Who had occasioned the Mahratta war, and the present calamities of the Carnatic, by the invasion of Hyder Ally?—If the natives of India had been always ruled in an arbitrary manner, and were never subject to a regular jurisdiction; if they had been strangers to the blessings of written and established laws, some plausible arguments might have been advanced. But it was well known that the Gentoo laws, of which we were furnished with a translation by the India Company, defined every crime with precision, and allotted adequate punishment. Those laws had the sanction of divine authority among them, were adapted to their climate, and intimately blended with their manners and religion; and their similarity, in many cases, to the Mosaic law, proved both their antiquity and wisdom. His hon. friend (Mr. Dempster) had contrasted the present state of the people with what it would be, if such a clause passed, by expatiating on the advantage the meaner subject now enjoyed, of applying for his Habeas Corpus. How was this answered by the hon. gentleman? That in several cases the chief justice had refused to grant one. But, if the chief justice had refused to grant a Habeas Corpus in all cases, did this shew he had granted it in none? No; directly the contrary. The hon. gentleman had, indeed, owned, that in that twilight between peace and war, between anarchy and regal government, in Hindostan, some acts of oppression had been committed; he then begged leave to ask the hon. gentleman, if this political twilight had produced oppression and tyranny, would the darkness of despotism produce happiness and prosperity? He concluded, by calling on the House to advert to the situation of so many millions of British subjects in India, who, by a former act, were thought worthy of some attention and protection. But this clause militated against the spirit of our own act, which was designed to shield the harmless native from the rapacity of unfeeling avarice. What would be the consequence? The affections of our subjects would be alienated; they would feel themselves more miserable from the contrast, and must sink under the accumulated weight of anguish and despair. Our commerce, our revenue, must decline; and this country would ultimately suffer.

The House divided on the Clause: Yeas 75: Noes 5. The report of the committee was then agreed to.

Debate in the Lords on the Isle of Man Bill.] June 22. The House went into a committee on the Isle of Man Bill. The object of the Bill was shortly this: the late duke of Athol sold the royalty of Man to the crown, in 1765, for the sum of 70,000*l.* reserving to himself all his proprietory and manerial rights; in short, every thing he would have been entitled to as a subject. This agreement was sanctioned by an act of parliament, as well to the providing an equivalent as to secure to the parties, the crown, the duke of Athol, and the inhabitants of the island, their respective powers, authorities, claims, and privileges. By the penning of this Act, the family of Athol deemed themselves injured. The late duke, for a specific sum, had agreed to part with the sovereignty of Man to the crown of Great Britain, but they conceived, partly from the terms of the agreement, and partly from the construction put upon them by the King's officers in that island, that he had been materially injured as lord of the soil, and as lord of the several manors of which it was composed. The present duke, therefore, had recourse to parliament. A Bill for that purpose was introduced into the other House, where it met with considerable opposition, but at length made its way to this House.—Several witnesses were examined to prove, that many of the rights proposed to be vested in the present duke of Athol by the Bill, had never been enjoyed by the last duke, or any of his ancestors; and a witness being called to the bar to be examined, who had signed the petition against the Bill, a question of parliamentary law arose.

The *Lord Chancellor* was of opinion, that a petitioner against a particular

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clause of a Bill was a competent witness respecting every other part of it but that particular clause.

Lord *Loughborough* contended, that a petitioner being a party, was incompetent to be examined in his own cause. As to the distinction made by the learned lord, that a petitioner was competent to be examined as a witness to any other clause than that in which he was interested himself, it might be so managed, without any great stretch of ingenuity, that if there were three or more petitioners, who all wished to be examined, that A. for instance, having petitioned against a particular clause, might be rendered competent to give evidence respecting another clause, and so with B. C. and D. till at length, by this management, the several petitioners might be admitted to give evidence against the whole Bill, and thus the distinction taken by the learned lord be as effectually defeated, as if no such rule of evidence had been in existence. He was clear in the first instance, that no witness could be examined in a cause in which, as a petitioner, he had acknowledged himself to be interested; that the distinction for admitting a petitioner to be examined against every part of a Bill, but what he complained of, was in his opinion a distinction without a difference; and of course he was of opinion, that the evidence now offered at the bar was totally inadmissible.

The Earl of *Mansfield* observed, that the learned lord who took the lead in the present conversation, had, he presumed, formed his ideas on the general rules of evidence established in the courts below; whereas in a great variety of cases there was nothing more different. The courts below adhered to certain rules and forms for the better regulating and conducting their proceedings, so did parliament, and in many instances they bore not the least analogy to each other. The rule of parliament, as long as he had any knowledge of its form of proceeding, had been to refuse the evidence of any witness who had petitioned against the Bill, either in the whole or in part. The reason of this rule in his apprehension, was not, as had been suggested by one or two noble lords, because he was a party, or because he might have an eventual interest in the fate of the Bill, but simply, because he had signed a petition against it. His lordship mentioned several instances, in which this rule of parliament had been strictly adhered to; and concluded with giving it as his clear opinion, that the witness was not competent to be examined respecting any part of the Bill.

The *Lord Chancellor* said, he had been so long accustomed to look up to the learned lord who was so deservedly placed at the head of his profession, that he always heard with reverence and with no small degree of submission, whatever fell from his lordship; and whenever he had the misfortune to differ upon any professional point with the learned lord, he had a constant predisposition to suppose that he himself was wrong, and the learned lord right. He had been long in the habit of paying almost an implicit deference to every thing which fell from his lordship, and to bow to it as the highest authority, having rarely listened to him upon discussions of questions of law, in which he did not bring home the fullest conviction to his mind. These were his sentiments nakedly given, not with any view of adulating the learned lord, but merely as a matter of justice. In what he said now, he merely adverted to the judicial character of the learned lord in the court of King's-bench; but however implicit every opinion of his as chief justice of that court was acquiesced in, it was not always so very current in parliament, nor relied upon with that degree of confidence. It was only, therefore, as a legislator that he presumed to differ from the learned lord, and he could safely oppose to what had been asserted by his lordship, what frequent experience had brought within his own knowledge, while he had sat in parliament, and acted as counsel at the bar of both Houses. His lordship, after a variety of arguments to prove the competency of the witness offered to be examined, affirmed once more, as long as he knew any thing of parliament, either as a member or counsel, the uniform custom had been to admit a witness to give evidence against every other part or clause of a Bill but that against which he had petitioned.

Upon the question being put by the chairman, the witness was rejected as incompetent without a division. Sir George Moore was then examined. His evidence went to prove, that several of the reservations in the Bill were not supported by custom or usage. He said he had been Speaker in the island upwards of 30 years. The fisheries deemed royal were very different from those deemed manerial. Within

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the former description came the duty or portion of all herrings caught upon the coasts of the island, and at sea; and as to the game, he never understood that the kings of Man, as sovereigns or lords of the soil, claimed any other but hawks or hearns. Partridges had got into the island so early as 1736, and since then grouse and moor-game, but he never knew that they had been claimed by the Athol family as a right annexed either to the sovereignty or lordship of the island.—The counsel then went at large into the case of his clients, and pointed out a variety of hardships they must undergo should the Bill pass into a law; contending, that the herring custom appertained to the royalty, and not to the seignory of the island; and that consequently, while the principle of the Bill went to divest out of the crown those rights for which it had given to the late duke of Athol a very valuable consideration; the people would on the other hand, feel themselves most grievously injured and oppressed by those middle claims, set up in the character of lord of the soil.

Earl *Bathurst* observed, that the Bill in its present form appeared to him extremely complicated; that many solid objections had been made at the bar against several of the clauses, which in his opinion, should the Bill proceed, would require fuller investigation. By saying this, he did not wish to be understood as giving an opinion one way or other, only he thought it his duty to propose, that the House be resumed, and that the chairman do report progress.

Earl *Temple* said, he had constantly attended since this business came before the House, and had given every attention to it to which it seemed to be entitled. He thus acted, for two reasons; first, under a call of general duty, as a member of that House, but more particularly as a near and dear relation of his [his father, the late Mr. George Grenville] was the person, who in the character of first commissioner of the Treasury, was presumed to have negociated the affair from the beginning to the final conclusion. He could not, he said, abstain from expressing his astonishment, that none of the law officers of the crown took any part in the business. It was surely their duty to see that the rights of the crown were not invaded; and it would be but candid in them to acknowledge, had they thought so, that the agreement made between the crown and the duke of Athol, intrenched on the rights of the seignory; though nothing was originally meant to be parted with or purchased, but those deemed royal or sovereign. He fancied great attention had been originally paid to this business by the law officers at the time the agreement took effect; and if he was well informed whenever doubts subsequently arose, no less diligence had been resorted to. The opinions of the Attorney and Solicitor Generals, in 1765, and upon various occasions, if he was well informed, held a very different language from that contained in the present Bill. He had moved for the most material of those papers some days since, but they had not been till that day produced. Where the fault originated he would not pretend to say; but till they were on the table for the perusal of their lordships, he did not see well how they could proceed farther. The objects of the Bill, when viewed in detail, might appear but trifling, but the precedent at least struck him as dangerous, because it might lead to the surrender of other rights of infinitely greater importance, and operate as an encouragement to other individuals, to come to parliament, to urge claims equally inimical to the prerogative of the crown and the rights and privileges of the people.

Viscount *Stormont* presuming, that the noble earl had insinuated some degree of censure on the King's servants in that House, for not having taken proper steps to enforce their lordships' order of Monday, in conformity to the noble earl's motion, said, there was no possible blame imputable to them. The Address was presented to his Majesty as soon as it conveniently could. An order was made out to the proper officer with all suitable expedition, and if the papers had not been produced, there was neither neglect or delay on the part of those whose duty it was to see that said order was complied with. He did not wish at present to enter into the merits of the Bill, when the proper time for delivering his sentiments on the subject should arrive, he was determined to give his opinion free from prejudice or partiality.

The *Lord Chancellor* observed, that the Bill was a private one in every thing but the name. Whether it was such a Bill as ought to pass, he was not prepared to say; because in truth, after all he had heard on the subject in that House, and at the bar, he was so dull as not to be able to

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comprehend it. As yet, besides, their lordships could not pretend to form an opinion, upon having heard counsel and evidence in behalf only of one of the parties. When he heard the whole of what was to be offered on both sides, he would endeavour to make up his mind, and come to an impartial decision. He could not avoid however taking notice, that the Bill came rather under an unfavourable appearance, by being brought forward at so late a period of the session, considering its importance, and the great number of persons who were to be affected by it. It was absurd to expect a full or even a middling attendance all this summer in that House. The members, fatigued and wasted by a constant application to public business several months, had gone to their country seats for recreation, or to attend their private concerns. He would not even for a minute harbour an idea that such a conduct on the part of the friends of the Bill, had originated in unfair or impure motives, on a supposition, that a Bill might be carried through a thin House, which would never have made its way through a full one. He had much too high an opinion of the honour and integrity of the noble duke, who was principally concerned in the event of the Bill, to entertain the most distant suspicion of the kind; but still truth obliged him to declare, that however clear the exception might be in the present case, the bringing in Bills at the tail of a session, wore in general a very doubtful aspect. There was another Bill of very singular importance, as he understood, now making its way to that House—a Bill to repeal the Marriage Act—which if upon no other account, he was determined to oppose upon the very ground he had been stating; and indeed, so long as he should sit in that House, the bringing in of a Bill of importance, just at the eve almost of a prorogation, would always furnish him with one general argument, against entertaining it at all at so unseasonable a period. He begged their lordships would recollect, that this was the 22nd of June, that parliament would probably be prorogued in a few days; and that under such circumstances, he beseeched them to determine, whether this was a season proper for the discussion of Bills, when, at a moderate computation, scarcely one-third of the members of both Houses were in town.

The farther consideration of the Bill was deferred to the 26th.

June 26. This day the House resolved itself into a committee on the Isle of Man Bill. As soon as lord Sandys had taken the chair, Mr. Lee was heard as counsel for the Bill. He was followed by Mr. Erskine on the same side, who offered to bring evidence to the bar in proof of several of the facts stated in the argument of his learned leader.

The *Lord Chancellor* moved, that the counsel do withdraw; and among others, submitted to their lordships the following observations:—The learned gentleman, who spoke so ably at the bar, had endeavoured to make out his client's case in a very singular manner. He scarcely said a syllable in behalf of the rights asserted in the Bill, but confined his argument solely to combat those of his antagonists, a species of persuasion which, with their lordships, who sat there as the guardians and supporters of the public rights of the crown, as well as the individual rights and privileges of the subjects in the Isle of Man, he presumed would never prevail. As to the event of the Bill itself, he professed himself totally unbiassed and indifferent, farther than his anxiety led him to do what was right, and that only. He was as ready to acknowledge as the most sanguine friend of the noble duke, within or without that House, that in making the agreement on the behalf of the crown with the noble duke's father, the bargain ought to have been liberally made, and the noble duke fully recompensed. Whatever the prevailing opinion was at the time, at present signified very little. It was with an intention of promoting great public benefit; and since parliament had adopted the idea they did on the occasion, such an agreement ought not to be conducted with that parsimonious hand which governs property in transactions of a private nature. As to his own part, however singular such an opinion might sound, what the public purchased of the late duke of Athol seemed to him of very little consequence, no more in his apprehension than certain rights and privileges incident to the proprietor for the time being, as first magistrate and as lord of the soil; and which his Majesty's servant, in 1765, very wisely deemed to be improper to be longer vested in the hands of a subject, who exercised those rights independent of, and uncontrouled by, the British parliament. That there were a variety of instances, previous to 1765, in which the lord of Man, and those who lived under his government, were

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amenable and controulable by the British legislature, he presumed would not be denied, because parliament had at various times exercised a supreme, controuling power over the island. One instance he should mention so early as the reign of Henry 8, which would supply the want of every other proof on the subject. The parliament which passed the statute for abolishing monasteries and abbies, and vesting the lands which belonged to them in the crown, extended it to those religious houses as well in the Isle of Man as to England and Wales; and as a proof how little the sovereign of Man affected the real stile of a monarch, the earl of Derby, who then possessed the royalty, instead of exclaiming against the usurpation, or complaining of the injustice or oppression of such a stretch of foreign power, actually became lessee to the crown, for the profits arising from the dissolved abbies and monasteries within his own dominions. Therefore, in his opinion, there could exist no just ground of complaint against parliament in 1765, though they had carried matters with a much higher hand than they really had done. All that parliament stood pledged to perform was, to do what parliament was always obliged to do; to render justice to the proprietor, by giving him a fair, equitable, and liberal compensation, for what he really parted with. Much had been urged both within and without the bar, in order to prove, that the family of Athol had been injured; that they had been forced into a surrender of what they deemed inalienable, by the strong hand of power; and that the agreement, after being forced upon them, had not been faithfully adhered to on the part of the crown; indeed, they were the only two matters urged, which bore the appearance of argument. The first, he believed he had clearly placed in a proper view, and as to the last, which was the immediate ground of the present Bill, it remained to be proved. Nothing like proof had been offered, and till he was better convinced than by a general conversation at the bar, he must confess, he found himself obliged to draw a conclusion exactly the reverse. Much had been said likewise about waifts, strays, manerial rights, &c. whereas it appeared to have no real foundation whatever; those rights which had been thus claimed, having at different times, and upon various occasions, been granted to the lords of manors, and of course divested out of the lord-paramount. His lordship, after adverting to a variety of circumstances of a similar nature, reminded their lordships, that they were now preparing to enter into the farther consideration of the Bill on the 26th of June; that they had yet proceeded but a little way in it; that therefore, in his opinion, to enable them to come to a true judgment upon a subject in itself complex, and rendered much more so by the manner in which it had been conducted, would take much more time than they could possibly bestow on the subject at so very advanced a period of the session.

The Duke of *Athol* said he perfectly coincided with the learned lord, that the Bill was of singular importance, and claimed every degree of attention which Bills of the kind were naturally entitled to; for his part, there was not a noble lord who heard him, who more sincerely wished every particular clause, even every particular sentence or paragraph in the Bill, to be watched with the most vigilant eye, and examined in the most minute manner; because, the more pains there were taken to develope the real purport and objects of the Bill, he was persuaded, the more friends and supporters it would have in the House. It was his interest therefore, to embrace the idea which had been thrown out by the learned lord, as he had not the good fortune to bring home conviction to his lordship's mind, by any thing which had been offered by his counsel at the bar, or by any other means in the course of the progress of the business. He begged leave to assure the learned lord, that he was as ready as his lordship to postpone the farther consideration of the Bill till next session, as by that time, he made no doubt, but he should have it fully in his power to bring such proofs as would convince their lordships in the most clear and unequivocal manner, that the Bill was strictly founded in justice, and every way worthy of their lordships' approbation.

Earl *Bathurst* observed, that the noble duke had held a language every way becoming his high rank and dignity; his so readily closing with the sentiments of the learned lord, had done him infinite credit. He perfectly agreed with the learned lord, that the season was too far advanced to come to a decision of such importance, and in which it was apprehended, the rights and property of so numerous a body of people might be materially affected.

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He would therefore, in conformity to the apparent sense of the House, move, that the chairman do leave the chair.

The committee was accordingly dissolved, and the business of course postponed till the next session.

Debate in the Lords on Lord Beauchamp's Bill for amending the Marriage Act.] June 25. On the motion for going into a committee on the Bill for rendering valid certain marriages exercised in certain chapels, in which bans had not been usually published, before or at the time of passing an Act of the 26th of George 2, for the better preventing clandestine marriages,

The Earl of *Coventry* rose and said, he did not mean to oppose any part of the Bill, but as a member of that quarter sessions, who, in the case of a pauper, were the occasion, by the decision they came to; in respect of that pauper, there were some difficulties which rested on his mind, which he anxiously wished to have removed. According to the Act of the late king, no marriage could be valid which should not be solemnized in some church or chapel, where it had been usual to publish the bans of matrimony. There were several chapels at that time where divine service had been performed, and a much greater number erected since the year 1752, which did not answer the description; indeed, it was impossible the latter could, the same not having then been built. The clause in the Marriage Act, however, admitted of a doubtful construction. When, therefore, the pauper, whose parents were married in such a chapel, came before the court, it was the opinion of the majority of the bench at the quarter sessions, among whom he had the honour to make one, that the case of the pauper was singularly severe; upon which, whether right or wrong as to the point of law, the latter of which he presumed to be the case, the bench determined, that the issue of this marriage was entitled to a settlement, and they decided accordingly. From this decision the party appealed to the court of King's-bench, where the contrary was determined to be law. This decision spread a general alarm throughout the whole kingdom; as it clearly decided, that all marriages solemnized in chapels, erected since 1752, were illegal, and of course dissoluble at pleasure; and that the issue of all such marriages would in law be deemed illegitimate. A noble lord in the other House, whose zeal in the cause of humanity never sleeps, stepped forth on the occasion, and produced the Bill their lordships were about to take into consideration. He begged pardon, he thought so much by way of explanation would not be improper; but the difficulty he meant to state was this: that similar cases might come before the same judicature, in which even the quarter sessions would be at a loss in what manner to act. On the one hand, the present Bill was framed in order to legalize such marriages; on the other, the determination of the court of King's-bench, for aught he knew, would operate as in the case of the pauper upon all instances, where the matter was already in the course of legal process. He was the more solicitous to have the advice of persons, better able to judge than himself, because he had more than once, within a very short period, heard a learned lord express himself rather unfavourably in respect of courts of quarter sessions in general. As a member of a court so constituted, he must take the liberty to seek the learned lord's advice, in order at least to remove one ground of complaint; and to beg the favour that his lordship would strengthen their weakness, and lighten their darkness. Under such instruction he should return to the country, and resume as usual the functions of a magistrate with confidence, because, acting upon the opinion of so high an authority in law and jurisprudence, all apprehensions of error or mistakes would be removed.

The *Lord Chancellor* said, as to the question put to him by the noble earl, he fancied he had it in his power to do away his lordship's doubts. The purposes of the present Bill were openly declared in the title to be what they really were, and the remedy proposed was a special one, directed to the evil therein described. In every other respect, the Bill left the law of the 26th of the late King just where it found it. The case, as he apprehended, was this: that clergymen, ignorant of the law, had married persons contrary to the provisions of said statute, which provided, that all marriages, after such a day, should be solemnized in a church or chapel, where it had been customary to publish the bans of matrimony; clearly then, as he apprehended, if any case similar to that of the pauper's, mentioned by the noble earl, was now depending, the present Bill, if passed into a law, would immediately

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operate upon such case, and put a stop to all farther proceedings, unless their lordships meant to make a particular exception to the contrary.—As to what the noble earl said, respecting the slight or contempt which he had heard thrown upon courts of quarter sessions in that House, it had arisen probably from something which had dropt from him in debating some question, where that court and its jurisdiction came to be considered. He thought he had explained himself sufficiently before, but he should now take the liberty to repeat, what perhaps was not so perfectly understood or attended to at the time. He did assure the noble lord, that he had not the most distant intention to insinuate, much less make a direct charge, against so respectable a body of noblemen and gentlemen, many of them of the first rank and character, as sat to dispense justice as magistrates throughout the kingdom: he was perfectly persuaded of their worth, honour, probity, and abilities. The only objection made by him, was to the nature and extent of the jurisdiction, not to the mode of exercising the powers vested by law in the noble and honourable persons alluded to. It was a jurisdiction, he would acknowledge, necessary in many cases; but it was a jurisdiction, which for certain purposes, and when resorted to upon certain occasions, was totally incompatible with the whole frame of our constitution, particularly so in all cases respecting property. Whenever a question of that kind was at issue, it ought, in his opinion, to be determined in some one of his Majesty's courts of law, and that by the verdict of a jury.

The chairman then proceeded to read the several enacting clauses, but was interrupted by the Lord Chancellor when he read that for indemnifying all clergymen who had offended against the Act of the late king, previous to the present Bill taking effect. The clause objected to was, "And be it further enacted by the authority aforesaid, that all parsons, vicars, ministers, and curates, who have solemnized, or shall solemnize, any of the marriages which are hereby enacted to be valid in law, shall be and are hereby indemnified against the penalties inflicted by the said recited Act, upon persons who shall solemnize marriages in any other place than a church or chapel, in which bans had been usually published, before or at the time of passing the said recited Act." His lordship observed, that this clause was manifestly beside, or different from, the avowed purpose of the Bill, which was merely to legalize marriages, which by a late determination of the court of King's-bench were deemed invalid. He should therefore oppose it on that ground, if he had no other objection; but he had still a much more solid reason for giving it a most marked and direct opposition.

He was ready to allow, that agreeable to the present principle of the Bill, that of giving relief in all cases, where chapels had been erected since the passing of the Act, the clergyman stood forth in the character of an innocent man. Whenever that should appear to be the case, he made no doubt but he would meet every possible indulgence from the crown, which in his apprehension was the only proper place to apply; but as he ever had, so he ever would upon every occasion that might present itself, endeavour, as far as he was able, to mark out and keep separate the powers and rights of the legislative and executive branches of the state. It was competent for parliament to enact laws, to describe the crime, and annex the punishment. It was a prerogative of the crown to mitigate and soften the rigour of the law, where the person offending had transgressed through ignorance or inadvertency, not design. To apply the truth of those principles to the case before their lordships, it was only necessary to observe, that as the crown had the power, so he was sure it would have the will, to interpose and administer relief, whenever relief was sought, and the person applying should make it appear that he had not wilfully offended. On the other hand, if the present Bill should pass into a law, the innocent would be confounded with the guilty; the real, premeditated felon, with the person who imagined when he was acting illegally, or rather criminally, that he was then discharging a very proper duty in the way of his profession. On the whole, the trouble would be but trifling; the innocent man would have nothing to fear, and the guilty man would still remain under the terror of depending punishment, should he be either detected, or, upon application to the crown, be not able to shew that his offence had originated in ignorance.

Lord *Coventry* wished to amend the clause provisionally, that the same had arose from ignorance or inadvertency, and urged some arguments in support of the amendment.

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The *Lord Chancellor* said, that he would never consent, that the parliament should intrench upon the known rights and constitutional exercise of the executive power. He presumed there was not a noble lord who heard him, that would stand up an advocate for felony, not accidental, or incidental; but felony founded in guilt, an intentional transgression against the laws of his country. If not, then there was no occasion for the clause amended or unamended; for the innocent, on a proper application and facts stated, might be sure that the crown would mitigate the severity of the law in respect of them.

Lord *Dudley* spoke strenuously in support of the clause. He believed there were various cases which might be adduced where persons had made themselves liable to punishment for having solemnized marriages contrary to the letter of the Act. He by no means saw that the Bill would encroach upon the rights of the crown; it would save the crown, and those who might think it necessary to apply to it, great trouble and expence, and infinite vexation; and if there were any such persons as the learned lord described, of which he retained his doubts, they could be but few in number; and even in that case, it would be perfectly consonant to the spirit of the laws of England, and that well known maxim, that it is better twenty guilty persons should escape, than one innocent person suffer, which must be the case though mercy should be extended to them; for in his opinion the very necessity of the application, and the progress of it, might be well deemed a species of punishment.

The *Lord Chancellor* repeated several of his former arguments; to which he added, that it was the duty of every clergyman to be thoroughly acquainted with the law in question, because it was only under the special authority of that law that he could undertake to perform the marriage ceremony; ignorance or inattention, in respect to the authority under which he acted, was in some degree criminal, though not perhaps to the extent it would be, could it be proved that he acted from interested motives. If he understood noble lords right, the clause was purposely framed to give relief to persons who had solemnized marriages in chapels which had been erected since the passing of the law; but though nothing was more easy than to assert generally, that clergymen in every instance of the kind acted ignorantly or inadvertently, he believed in his conscience it might be easily proved, that many of them had acted from motives originating in avarice and self-interest. The erecting of chapels was pretty well known to be a builder's job: the chapel was raised or contracted for, no matter which; subscriptions were sought; it was properly furnished, and divine service was performed in it. The next object was to enlarge the receipts as much as possible; and what method better calculated to effect that, than by encouraging young people to come there to be married, and defrauding thereby the mother church of her fair and legal dues? All this, it was barely possible, might proceed from ignorance; but he believed, without stretching the imputation too far, it was much more likely to proceed from intention, and from a most corrupt and fraudulent intention too. He was entitled to presume as well as the noble viscount. He was entitled to say, that not only the law had made the act felony, but it was morally, as well as legally, criminal.

Lord *Stormont* confessed himself totally ignorant of the business, farther than what he had collected in the course of the debate; and he was confident it amounted to an *ex post facto* law, for pardoning an extensive description of felons, which would be an usurpation of one of the dearest prerogatives of the crown, that of administering relief to the innocent, and even of extending in some cases mercy to the guilty. Such being his opinion, he was determined to vote against the clause.

The question being put, the committee divided. Contents for the clause, as it stood in the Bill, 7; Not Contents 8. Dr. Hurd, bishop of Worcester, divided for the clause, but his lordship not being robed, the teller refused to count him. The Bill was then read through, the blanks filled up, and the amendments ordered to be received next day.

Petition of the East India Company for the Renewal of their Charter.] June 26. A Petition of the United Company of Merchants of England trading to the East Indies, was presented to the House, and read; setting forth,

"That by an Act, made in the seventeenth year of the reign of king George the second, intituled, 'An Act for granting to his majesty the surplus or remainder of the monies arisen, or to arise, by

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'the duties on spirituous liquors, granted 'by an Act of the last session of parlia- 'ment, and for explaining and amending 'the said Act in relation to the retailers 'of such liquors, and for establishing an 'agreement with the United Company of 'Merchants of England trading to the 'East Indies,' it was enacted, that the proviso contained in an Act of parliament therein recited, made in the third year of his said majesty's reign, and all other provisos contained in any other Act or Acts of parliament for determining the annuity or yearly fund of the petitioners, and the right, title, and interest of the petitioners to the whole, sole, and exclusive trade to the East Indies, and parts therein mentioned, or either of them, upon the respective notices and payments in the said Acts mentioned, should be, and were thereby repealed and made void; and that the petitioners and their successors should for ever have, receive, and enjoy, the annuities in the said Act mentioned, subject to redemption as in the said Act is mentioned; and it was thereby further enacted, that notwithstanding such redemption of the said annuities as therein before is mentioned, the petitioners should (subject to the proviso of determination thereinafter contained) have, use, and enjoy, the whole, sole, and exclusive trade and traffic in, to, and from the East Indies, and in, to, and from all the islands, ports, havens, coasts, cities, towns, and places, between the Cape of Good Hope and Streights of Magellan, and limits in an Act of the ninth year of the reign of king William the third, and in the charter of the 5th day of September, in the tenth year of his said majesty's reign, mentioned, in as ample and beneficial manner as the petitioners could thereby or otherwise lawfully trade thereto; in which said Act is contained a proviso, that at any time, upon three years notice to be given by parliament, after the 25th day of March 1780, upon the expiration of the said three years, and re-payment to the petitioners or their successors, of the capital stock or sum of 4,200,000*l.* and all arrears of annuity payable in respect thereof, in case the same should not have been before repaid, then and from thenceforth, and not before or sooner, the said right, title, and interest of the petitioners, to the whole, sole, and exclusive trade to the East Indies, and parts aforesaid, should cease and determine; and that, pursuant to power reserved in and by the said Act of the seventeenth year of the reign of his said late majesty for that purpose, this House, on the 21st day of March 1780, came to a resolution, 'That 'notice should be given, that the capital 'stock debt or sum of 4,200,000*l.* and all 'arrears of annuity in respect thereof, due 'from the public to the United Company 'of Merchants of England trading to the 'East Indies, would be redeemed and 'paid off on the 10th day of April 1783, 'agreeable to the power of redemption 'contained in the abovementioned Act of 'the seventeenth year of the reign of his 'said late majesty king George the se- 'cond;' and it was ordered that Mr. Speaker should, on the 7th day of April then next, signify, by writing, to the petitioners, the said resolution of the House, and accordingly notice thereof was given to the petitioners; and that, by an Act, made in the ninth year of the reign of his present Majesty, intituled, 'An Act for 'carrying into execution certain propo- 'sals made by the East India Company 'for the payment of the annual sum of '400,000*l.* for a limited time, in respect 'to the territorial acquisitions and reve- 'nues lately obtained in the East Indies,' it was enacted, that the petitioners should advance and pay into the receipt of the exchequer, for his Majesty's use, the sum of 400,000*l.* per annum, for and during the term of five years, to be computed from the 1st day of February 1769, by half yearly payments, as therein is mentioned, but if at any time or times within the said term of five years, the petitioners should reduce the dividends upon their stock, to or under the rate of 6*l.* per cent per annum, then, and in every such case, during the respective continuance of every such reduction, the petitioners should be, and were thereby discharged from the payment of the said sum of 400,000*l.* or such part thereof as would have become due to the public during the continuance of such reduction; and that the petitioners were obliged to reduce their dividend to the rate of 6*l.* per cent. per annum, from Midsummer 1772, whereupon the said payment of 400,000*l.* a year ceased; and that by an Act, made in the thirteenth year of the reign of his present Majesty, intituled, 'An Act for granting to his 'Majesty a sum of money, to be raised by 'Exchequer bills, and to be advanced 'and applied in the manner and upon the 'terms therein mentioned, for the relief 'of the United Company of Merchants of

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'England trading to the East Indies,' it was recited, that the petitioners did then labour, and had for some time past laboured, under great and unusual difficulties in carrying on their affairs, from which it greatly inported the public, as well as the petitioners, that they should as speedily as possible be relieved; and by the said Act, provision was made for advancing to the petitioners, by way of loan from the public, the sum of 1,400,000*l.* and it was by the said Act also recited, that, in the then circumstances of the petitioners, it would not be in their power to provide for the re-payment of such loan, and for establishing their affairs upon a more secure foundation for the time to come, unless the public should agree to forego for the present all participation in the profits arising from the territorial acquisitions and revenues, as well as the revenue and profits of the Company, after providing for certain necessary payments and deductions to be made thereout, to the re-payment of the said 1,400,000*l.* and to the reduction of the Company's bond-debt; and by the said Act it was further enacted, that until the said sum of 1,400,000*l.* should have been repaid, and the bond-debt of the Company should be reduced to 1,500,000*l.* the whole clear profits arising from the said territorial acquisitions and revenues, after defraying all charges and expences attending the same, together with all the clear revenue and profits of the Company, after providing for the current payments of interest, and other outgoings, charges, and expences of the Company, should from time to time be disposed of and applied in dividends to the proprietors in payment of the said 1,400,000*l.* and interest, and in reducing the Company's bond-debt in manner in the said Act mentioned; and that by an Act, made in the nineteenth year of the reign of his present Majesty, intituled, 'An Act for continuing in the 'possession of the United Company of 'Merchants of England trading to the 'East Indies, for a limited time, and 'under certain conditions, the territorial 'acquisitions and revenues lately obtained 'in the East Indies, and for continuing 'for a limited time, so much of an Act, 'made in the thirteenth year of the reign 'of his present Majesty, intituled, 'An 'Act for establishing certain regulations 'for the better management of the affairs 'of the East India Company, as well in 'India as in Europe,' as will expire in the 'course of the present year,' it was recited, that the said sum of 1,400,000*l.* had been repaid and fully discharged, and the bond-debt of the said Company had been reduced to or under the sum of 1,500,000*l.* whereby the circumstances in consideration whereof it was in the aforesaid Act declared that the public should agree to forego for the then present time all participation in the profit arising from the territorial acquisitions and revenues lately obtained in the East Indies, had ceased and were determined, but notwithstanding it might be expedient that the aforesaid territorial acquisitions and revenues should for a limited time, and under certain conditions and restrictions, remain in the possession of the petitioners for the term of one year, from the 5th day of April 1779; and it was thereby enacted, that during that time, the whole clear profits of the Company should be applied in the first place, for answering a dividend to the proprietors of the stock of the said Company, not exceeding 8*l.* per cent. per annum, upon the capital stock of the said Company, after which the whole surplus of the said clear revenues and profits should be reserved and await any future agreement that might be made between the public and the Company: and that by another Act made in the twentieth year of the reign of his present Majesty, it was enacted, that all the said territorial acquisitions and revenues lately obtained in the East Indies, should remain in the possession of the petitioners for the further term of one year, to be computed from the 5th day of April 1780, upon the same conditions and restrictions as were contained in the said Act passed in the nineteenth year of the reign of his present Majesty; and that the petitioners are desirous to have the exclusive trade in, to, and from the East Indies, continued to them for a further term of years, and are willing that the public should participate with them in the profits arising from the territorial acquisitions and revenues lately obtained in the East Indies, for the time past, since the petitioners' bond-debt was reduced to or under 1,500,000*l.* and for the time to come, during the continuance of the petitioners said exclusive trade; wherefore the petitioners at several general courts lately held, have taken into consideration the terms and conditions of an agreement to be made between the public and the petitioners, and at a general court of proprietors, held on the 25th

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day of this instant June, the petitioners agreed to the Propositions hereunto annexed for those purposes, and for the purpose of establishing certain regulations for the better management of the petitioners' affairs: and therefore the petitioners beg leave to submit the said Propositions to the consideration of the House, as the terms and conditions for prolonging the petitioners' exclusive trade in, to, and from the East Indies, and for making a further agreement between the public and the Company in respect of the territorial acquisitions and revenues lately obtained in the East Indies, and for establishing certain regulations for the better management of the petitioners' affairs.

PROPOSITIONS.

"1. That all the East India Company's present charter rights and privileges shall be preserved to them entire, so far as is consistent with the rights of the crown, and their exclusive trade be prolonged for the term of ten years, from the 1st day of March 1781, besides the three years notice to be given, according to the provision made for that purpose, in the subsisting Act of the seventeenth of George the second.

"2. That the Company shall advance, and pay into his Majesty's Exchequer by instalments, in the course of the present year, the sum of 400,000*l.* in full discharge of all claims of the public upon the Company, until the 1st day of March 1781.

"3. That in order to ascertain the net profits arising from the Company's trade and revenues, an account shall be made up of the profit and loss upon the whole of the said trade and revenues, together with a state of the Company's debts in England, from the 1st day of March in every year, to the 1st day of March in each succeeding year; to which shall be annexed, an account of the value of all the Company's goods which shall remain unsold in their warehouses in England at the time of making up the beforementioned account, exclusive of discount, customs, commission to supra cargoes, and of every other charge to be deducted therefrom; which account shall be in addition to the accounts already directed by the Act of the thirteenth of his present Majesty to be prepared and delivered in to the lords of the Treasury every half year, and the first of such statements or accounts shall be made up on the 1st day of March 1782, or so soon afterwards, as the necessary materials can be prepared for the year preceding; and every such statement or account, fairly written, and signed by two or more directors of the Company, shall be laid before a general court of proprietors, and transmitted within thirty days after the day to which it shall be made up, to the commissioners of his Majesty's Treasury, or to the high treasurer for the time being.

"4. That the net profits of the Company in England, be each and every year during the term of this agreement, divided in the following manner, viz. The Company shall in the first place retain in each and every year, a sum equal to eight per cent. on the capital of 3,200,000*l.* which sum, together with any savings made out of the participation of former years, shall be applicable to the dividend of the said Company, provided the bond-debt of the Company does not exceed 1,500,000*l.*; and three-fourths of all surplus profits, after deducting the said eight per cent. to the Company, shall be paid in each and every year to the public, and one-fourth reserved to the Company.

"5. That to the present dividend of eight per cent. to the proprietors, shall be added an increase of dividend not exceeding one per cent. each and every year until the dividend shall be twelve and one-half per cent. per annum.

"6. That the Company shall remain in possession of all the territorial acquisitions and revenues lately acquired in India, for and during the term of the exclusive trade to be granted to the Company, without prejudice to the claim of the public, or of the Company.

"7. That the term of this agreement of participation between the public and the Company, shall commence and take place on and from the first day of March 1781.

"8. That the Company shall pay to government two lacks of current rupees per annum, for every regiment, consisting of one thousand men, sent or to be sent by his Majesty to India, on the requisition of the Company; over and above the extraordinaries now borne and paid by the Company, and in the same proportion for any greater or less number of men; to be computed with respect to the forces already sent, from the 24th day of this instant June, and with respect to those to be sent, from the time of the embarkation of such troops on this service, and to be paid until the return of the said regi-

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ments to Great Britain, or so long as the Company shall be possessed of the territorial revenues in Bengal, Bahar, Orissa; the subsistence of the troops there to be regularly paid, to the orders of the officers commanding each regiment, and the remainder of such allowances to be paid agreeable to regulations to be settled between the paymaster general and his Majesty's secretary at war, and the court of directors of the East India Company.

"9. That the Company shall, from the 5th day of July 1782, until peace shall be restored with France, Spain, and Holland, provide and supply all the victualling, to be delivered in India, necessary for his Majesty's ships and vessels, their complements and crews, and for their sick and hurt, during the time such ships and vessels sent, or to be sent at the requisition of the Company, shall be employed there; that a just and true account shall be kept thereof, properly authenticated, and vouched by the governor or president and council of the Company's settlements in India respectively, where such supplies shall be furnished, and from time to time transmitted home to the court of directors of the East India Company, who shall lay such accounts before the lords commissioners of his Majesty's Treasury, who thereupon shall refer the same to the comptroller and commissioners of the Navy, for their examination, and to put all such supplies in charge against the officer or officers receiving the same, or against the hospital for sick and hurt respectively, as the case may be; and the lords commissioners of the Treasury shall from time to time during the time aforesaid, within forty days after the receipt of such accounts, so properly authenticated and vouched, pay or cause to be paid to the said Company, one-fourth part of the total amount of all the supplies so provided by the Company, which amount shall be considered as the sole right and property of the Company, freed from any claim or right of participation on the behalf of the public, and shall be set apart and applied for the use of the Company; that from and after peace shall be restored with France, Spain, and Holland, the Company shall in like manner provide and supply all such victualling at their expence, cost, and charge, and that a proper plan be formed by the court of directors with the comptroller and the commissioners of the Navy, for executing this service in such manner as may best prevent all fraud and imposition, and unnecessary expence, and as may be most advantageous for the public and for the Company: and in case it shall happen at any time during the said period, that by reason of the Company being put to such expences, on account of supplying and victualling his Majesty's ships and vessels, and their crews, in manner before-mentioned, the net profits of the Company realized in Great Britain shall be so reduced as not to be sufficient, together with one-fourth part of the said expences, to produce to the Company, a sum equal to 8 per cent. per annum, on their capital stock of 3,200,000*l.* then and in every such case the public shall repay in Great Britain so much more of the expences of supplying and victualling his Majesty's ships and vessels and crews, if the amount of such supplies so furnished be equal thereto, as will make up to the Company a sum equal to a dividend of 8*l.* per cent. per annum on the capital stock of the said Company; such payments to be made in sterling money, the exchange for the rupee being rated and taken at the usual current price of the rupee at the time of the advance and payment of the same in India.

"10. That the Company shall, so soon as it is in their power, on the requisition and under the inspection of the commissioners of the Navy, send out to India such naval and military stores, in such quantities, and of such quality, as they shall direct; and shall make timely requisitions to the Navy board for such stores as cannot be provided by the Company, and shall also pay the said Navy board for all stores so provided by that board.

"11. That from Midsummer 1782, the Company shall to the utmost of their power supply, for the wear and tear and repairs of such ships and vessels so employed in India, all naval and military stores required by the officer commanding the fleet in India, or by any officer commanding any of the King's ships or vessels so employed in India, such officer giving triplicate certificates for the same; and the prime cost of all such naval and military stores as shall be delivered in India for the use of his Majesty's navy, shall be repaid to the Company in England, until peace shall be restored, within forty days after the proper certificates shall have been delivered to the lords commissioners of his Majesty's Treasury, that such naval and military stores have been furnished and supplied

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to any of his Majesty's ships and vessels so employed in India; and in respect to the naval and military stores exported from Great Britain, upon the requisition of the commissioners of the Navy, that the lords commissioners of his Majesty's Treasury shall, within forty days after an account of such naval and military stores shall have been so actually exported, and proof made thereof, and proper certificates shall be delivered of such exportation, pay and advance, or cause to be paid and advanced, to the Company, an imprest upon account of such naval and military stores, nearly adequate to the value thereof; and that a proper plan be also formed, for regulating and executing this head of service, by the court of directors of the East India Company, and the comptroller and commissioners of the Navy, in such manner as may best prevent all fraud, imposition, and unnecessary expence on this account, either to the public or the Company; provided, that in the event of the loss or damage of the said stores, or of any part thereof, by sea or by an enemy, or by any other accident, the said imprest shall be allowed to the Company in the final settlement of the account, to the value of the stores so lost or damaged as aforesaid.

"12. That from and after peace shall be made with France, Spain, and Holland, the Company, so long as they shall be in possession of the territorial acquisitions and revenues in Bengal, Bahar, and Orissa, shall furnish at their own proper cost and charge, such naval and military stores as shall be necessary, and required, for such of his Majesty's ships and vessels as shall, at the Company's request, remain on service in India in time of peace, for which certificates shall nevertheless be granted; and all certificates so granted for such stores, shall be sent home to the court of directors, and by them be transmitted to the lords of the Treasury, and by their lordships sent to the Navy board to be put in charge against the officers receiving the same.

"13. That accounts of the gross amount of all the territorial revenues received by the Company, and of all their disbursements, charges of management, civil, military, and other expences and charges, and also of the Company's debts at each of their settlements in India, and of the net proceeds at each of their settlements, shall be annually made up, and presented to the lords of the Treasury on or so soon after the 1st day of March in each year, as the receipt of the necessary materials from India shall enable the Company to form such accounts.

"14. That the surplus profits to be appropriated to the public, shall be paid annually into his Majesty's Exchequer, for the disposition of parliament, at such times as shall be agreed between the commissioners of his Majesty's Treasury and the court of directors.

"15. That the power of drawing bills of exchange upon the court of directors be restrained, as it is by the Act of 13 Geo. 3.

"16. That no bill, promissory note, or other obligation for money, issued or to be issued by any of the Company's presidents and councils or servants in India or in China, and made payable there, shall become payable in England without the consent of eighteen of the directors first obtained for that purpose.

"17. That no British subject in the service of the Company, or licensed by them to proceed to India, shall, during the term of this agreement, reside in any other place in India than one of the Company's principal settlements, or within ten miles thereof, without special orders or licence in writing from the Company, or from their president or governor and council; nor shall any such person or persons reside beyond such limits as aforesaid, for longer time than shall be specified in the Company's orders, or in his or their licence or licences respectively.

"18. That the Company's exclusive rights and privileges of trade be so extended, as to prevent the importation of goods and merchandize, the produce of the East Indies, by the way of Suez, or by any other channel, to the prejudice of the Company.

"19. That such regulations be formed, as shall, if possible, prevent smuggling, and that no power of remission or mitigation be vested in the court of directors.

"20. That regulations be made to prevent the desertion of the Company's recruits, and that proper places be appointed to lodge such recruits as are designed for the Company's settlements in the East Indies.

"21. That the Company be enabled to import and export goods to and from this kingdom, and places within the limits of the Company's charter, in ships by purchase or otherwise the property of the Company; the same being navigated in the manner prescribed by the laws now in being, respecting British-built ships.

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"22. That the Company's marine force at Bombay, and their other principal settlements in India, be made subject to the like articles and rules as the ships of war in his Majesty's service, so far as the circumstances of the said marine force may render the same practicable; and that the president and council in the respective settlements, be authorized to issue warrants for holding courts-martial for the trial of offenders."

Ordered to be referred to the consideration of a committee of the whole House.

Debate in the Lords on Dr. Smith's Compensation Bill.] June 28. A Bill from the Commons, for giving a compensation to Dr. Smith for his attendance, in his medical character, at the several prisons in and immediately about this metropolis, being read a first time, viscount Dudley moved, that it be read a second time on Thursday.

The Duke of *Chandos* said, he had many solid objections to make against the Bill, and without entering into a detail, he totally disapproved of its principle, which called upon their lordships without any reason whatever to throw away 1,200*l.* of the public money. He should therefore resist the Bill in the first instance, and accordingly move, that it be read a second time on Tuesday four weeks.

Lord *Dudley* in reply, went into the whole of the merits of the Bill, and of the conduct of Dr. Smith throughout the whole business.

The Duke of *Chandos* said, if he had retained a doubt relative to Dr. Smith's claim upon parliament, the noble viscount had furnished him with the most cogent reasons for adhering to his former opinion. Dr. Smith, said the noble viscount, did not thrust himself officiously into the business; he did not seek to perform voluntary services with a view of being afterwards rewarded: No; Dr. Smith was prevailed upon to visit the prisons at the request or desire of a member of the other House. He should be glad to know the member's name who had undertaken to employ the doctor; for he was yet to learn, what authority a member of the legislature had to employ any man, and as it were to pledge the faith of parliament for his ultimate reward. He begged noble lords to reflect on the present state of our affairs, and see fairly, whether this was a time to add to the weight of taxes the people were necessarily obliged to sustain, and the still greater burdens which must be the consequence of a war which at present held out not the most distant prospect of peace. He believed there was not a single noble lord that heard him, who would not join in recommending the most rigid œconomy. He called the whole a job, calculated to serve a favoured individual, at the expence of an exhausted public, already bleeding at every pore.

Lord *Dudley* said, he perfectly agreed with the noble duke respecting the extreme necessity there was for adopting the most rigid œconomy in all financial concerns. The principle was not to be controverted, but it might nevertheless be improperly applied, as was the case, if he apprehended right, in the present instance. Money was always judiciously and properly laid out when it was given as the reward of public benefits actually received, that could not be lavished or thrown away, which was given as a reward for services actually performed; that this was the case with Dr. Smith, no person, he presumed, entertained the least doubt; he was therefore for having the Bill go to that stage in which it would be competent to give proofs of what now could only rest upon assertion. The noble duke called the Bill a job; he intreated their lordships not to be caught by a popular word. The name of job, without any proof of its being so, had often turned out to be fatal; for a deaf ear was instantly turned to arguments, no matter how cogent and conclusive, and all appeals to reason and facts were instantly at an end. After some farther observations, merely personal, stating the part he had taken in the business, he hoped their lordships would at least endeavour to be convinced that the Bill was not a job, and not by taking the charge for granted, reject the Bill before it came to a second reading.

The Duke of *Chandos* said, he never imagined, much less insinuated, that the noble viscount had any personal interest or concern in the fate of the Bill, but be it a job or not, he was determined to resist in every shape, any attempt however specious, which should have for its object the misapplication of the public money.

The Earl of *Radnor* observed, that there was one point which must prove fatal to the Bill, if there existed no other objection whatever, and which in his opinion it was impossible to get over. The services said to have been performed, as stated in the Bill were, that Dr. Smith had visited,

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attended, and otherwise assisted the sick in the several prisons within the counties of Middlesex and Surrey. There was not one of their lordships who did not well know that services of this kind were rewarded and defrayed by the respective counties. He could therefore see no reason why the whole kingdom should be obliged to contribute to the payment of expences incurred within those two counties, unless the rule was meant to be made general and extend over the whole kingdom; that not being yet declared, it was, in his opinion, little better than insulting parliament, to make provision for what had been already by law settled and established to be provided for otherwise.

The Earl of *Hillsborough* professed himself totally unacquainted with the Bill and every part of it, or indeed he believed with the name till he heard the title now read. If the noble duke's motion should be adhered to, he should be drove to this dilemma, of saying content or not content. He wished therefore to know on which side to vote, for at present it would be impossible for him, informed as he was, to give a vote either way. He therefore recommended to the noble duke to withdraw his motion, and permit the Bill to be sent to a committee, where its merits or demerits might be fully discussed, and the claim of Dr. Smith be fairly ascertained.

The *Lord Chancellor* made a very pointed reply, and entered into the nature of the Bill, which as he proceeded he more fully explained. He concluded with giving his hearty assent to the motion made by the noble duke.

The Earl of *Hillsborough* replied with some warmth. He said, he disdained the pitiful idea of voting away the property of other people, and then making a merit of liberality, as much as the learned lord; but he nevertheless wished the Bill to proceed to a second reading, and then to a committee; when, if it should appear that the objections to the Bill were well founded, he should be one of the foremost in reprobating it.

The Duke of *Chandos* said, his objection was not to the provisions but to the principle of the Bill, and that because it would be a squandering of the public money: he should therefore meet it on the principle, by adhering to his original motion.

The question was then put and carried, and the Bill of course rejected without a division.

Debate in the Lords on Philips's Compensation Bill.] The order of the day was then read for the second reading of the Bill from the Commons, entitled, "for granting to Mr. Philips the sum of 3,600*l.*, for discovering a composition or powder for destroying weevils, cock-roaches, and other kinds of vermin, which prove very pernicious in the naval and other provision stores, where great quantities of bread, biscuit, and other, the provisions necessary for consumption a-board ships of war, in camps, &c. are used, as well as in gardens, pineries, hot-houses, &c." This occasioned a debate, which was carried on for several hours with great heat between the Lord Chancellor and lord Sandwich. The former being as warm in condemning the principles and provisions of the Bill as the latter was in defending them.

The *Lord Chancellor* opposed the Bill, chiefly on three grounds: first, that there was no evidence before the House, sufficient to induce their lordships to pass the Bill, nor any promised but what, from the state of it as announced, amounted to no evidence at all: secondly, the evidence talked of wanted certainty and specification, and dealt only in generals: and, lastly, that the House was called upon to vote the public money, not upon proofs actually had, or existing, but in contemplation, that they might hereafter be made out.

Earl *Bathurst* said, it was impossible to judge of the merits of the Bill in the present stage. All the proofs it was true could not be adduced before the passing of the Bill; but there was a clause in it which obviated any objection on that account, as out of the 3,600*l.* to be granted, Mr. Philips was to receive but 600*l.* till after the whole of the proofs were made out.

The Duke of *Grafton* argued, that if the discovery was of the importance and public benefit it was represented to be, it would be doing injustice to the author, for it would prove a very inadequate compensation, when compared with the pecuniary advantages he might derive from it, under the sanction of a patent or monopoly; where, if the facts stated were to be depended upon, he must amass a very considerable fortune in a few years. Abandoning so fair a prospect of gain, and enormous gain too, as such a monopoly must ensure, were the grounds or motives for passing the present Bill to be relied upon, he had every reason to con-

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clude, that the discoverer had taken the most wise and prudent course; being conscious, that either the whole was a bubble, or that he was not confident of success; nor had fully proved by experiment what he wished might possibly happen.

The Earl of *Sandwich* rose in reply. Before he entered into the subject, his lordship stated the numerous mischiefs the public suffered from the vermin proposed to be destroyed by this new invention. He read a list of those losses, as stated to him by several of the inferior boards, and contrasted them with an account of the experiments which had been made on the powder, and how very successful those experiments had proved. His lordship proceeded to answer the objections he had heard stated, he said, by the learned lord on the woolsack, and the noble duke in the blue ribbon. The learned lord had taken a very summary way of getting rid of the Bill, without putting himself to any trouble whatever, either in respect of proof or argument. His lordship had recourse to generals, but carefully abstained, for very obvious reasons, from entering into particulars. The learned lord talked of the lateness of the season, of the advanced period of the session, just approaching to a conclusion. This, if a good objection, held equally against the farther prosecution of public business, let it be of ever such great importance, or carried no weight at all with it; for it amounted to this, that the importance of the object ought to be taken into consideration, and if it was worthy of the attention he thought it was, which could only be decided by enquiry and investigation, then every conclusion drawn to the disfavour of the Bill, on account of the advanced period of the session, was clearly at an end. For his part, he thought the Bill of very great importance, consequently he could pay no attention to that particular objection. The learned lord had conjured up another objection to the Bill, which his lordship predicted must prove fatal. That was, the distressed state of the country, the enormous expences of the war, and the necessary burdens which were the consequence of them; of course the rigid œconomy which became necessary in such a state of things, and moreover the impropriety of giving away money which was destined for public services, and the applying it to private purposes.—He would endeavour to give each of these a separate and distinct answer. This objection, like the foregoing, was taken up on general ideas. He hoped this country was not so far reduced as to have its finances materially affected by the sum proposed to be given to the inventor; but if the learned lord's objection was founded, that he would not have objected to the Bill, if the money raised upon the people was applied to the purposes for which it was granted, that is, for public services, he was ready to say and prove, that the objection was answered, for the present Bill would do no more. It would dispose of such a sum of money under the sanction of parliament, for promoting a great public benefit, which, if he understood any thing of the phrase, came precisely within the description of public services.—His lordship relied much on the authority on which the present Bill was founded, particularly the commissioners of the victualling-office, and a captain of a man of war, who had tried the experiment, and who spoke largely and positively of the efficacy of the powders. This, surely, was a species of evidence which ought not to be rejected, until it should upon hearing be pronounced too weak or irrelative. It was impossible to decide upon it in this stage of the Bill, and of course he trusted the learned lord would not be against having witnesses called to the bar and examined. He was of opinion, clearly, that the Bill was well entitled to the serious attention of the House; that it was a public object of considerable importance; and that it challenged the patronage of their lordships. Parliament were the guardians of the nation; it was their duty to promote every beneficial scheme offered to their consideration; and not, upon mere general objections, unfounded suggestions, and vague arguments, pre-determine, without enquiry, what they were only competent to decide upon clear and satisfactory proof. There was nothing which came under his cognizance in the department over which he had the honour to preside, that more employed his thoughts and exertions to effect than that of preserving the health of the seamen; and whenever such an object came in view, he should for one think it extremely impolitic, to oppose the expence it might put the nation to, to so great and wished-for an object as that of keeping our seamen in a state of health, to enable them to perform their duty, and to prevent that mortality which was ever the consequence of neglect, and had al-

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ways proved so destructive to the service. It might, for instance, with equal justice be imputed to him, that he had lately put the nation to a very considerable additional expence in the article of sour-crout, which he had given directions to have served aboard his Majesty's ships of war. But after having made the most diligent and satisfactory enquiries, being fully convinced that sour-crout was one of the greatest anti-scorbutics ever invented, or antidote against those disorders to which seamen, from the nature of the service, were subject, he no longer hesitated about the additional expence, nor was he prevented, by the notions of an ill-timed and impolitic œconomy, from consulting the real good of the service. On the contrary, he had run a risk of falling under the animadversions of those who delighted to find fault, and were ever ready to suggest the most unfavourable consequences; and took, as he ever should, when the interests of his sovereign and his country required, a most active part, never wishing to shrink from the responsibility which ever accompanied acts of office which were not sanctioned by the usual form.—The noble duke in the blue ribbon recommended a patent. He confessed he had always been an enemy to monopolies of every kind; they had in the end almost always proved detrimental to the public. If they succeeded, the patentee was left at liberty to raise his price at his pleasure: indeed they seldom did succeed; and when they did, it was next to impossible to ascertain the difference between the original and the numerous counterfeits which were made in consequence of it; so that while the patentee was robbed of the fruits of his invention, the public were cheated by a set of adventurers and impostors.—The learned lord was for deferring the Bill till next session; but in his opinion, considering the peculiar distresses Mr. Philips laboured under, it would in the event amount to a complete negative. The sum which he was to touch, was but 600*l.* till after the efficacy of the powder had been satisfactorily proved; and even supposing that the powder should not answer in every particular instance predicted, he could not see that such an advance, upon proofs already given, would amount to an enormous and shameful waste of public money. He concluded with assuring the House, that the naval and other inferior boards in his department, so confident were they of the efficacy of the powder, had already purchased it in great quantities; and he understood so far as trials had been made and the effects ascertained, the powder had answered the most sanguine expectations.

The Duke of *Grafton* observed, that if the powder had hitherto in every trial proved so very efficacious, and if such great quantities had been tried, and so great a demand created in consequence of the success of those trials, Mr. Philips, the inventor, could not possibly be the distressed man he had been described by the noble earl. The profits on the sale must bear some reasonable proportion to the quantities sold; and if there was no doubt of the success of the powder nor of the vent, it furnished the most cogent reason for deferring the Bill to another year. The noble earl, with a spirit and candour that was natural to him, said, he never stood at trifles or risks when the public service was likely to be benefited. In the present instance, his lordship did not entertain a single doubt of the success of the discovery. Why not, then, at once purchase such a quantity of the powder, for the use of the navy, as might for the present relieve the discoverer from his embarrassments, and defer the Bill till a period when Mr. Philips could have nothing to apprehend from parliament, but a ready acquiescence in rewarding a man who had so materially benefited the public?

The Earl of *Sandwich* said, his situation did not permit him to sport with or dispose of the public money, nor could he disburse a shilling without the previous approbation of parliament.

The *Lord Chancellor* begun with observing, that he had the misfortune to be misunderstood in what he said when he first rose. He was charged with dealing in generals, and avoiding to enter into particulars; now, for his part, he imagined, that if any objection properly lay against his arguments, it was because they consisted of a regular series of particulars, in which general abstract reasoning had little or nothing to do. His first objection to the Bill was, that the evidence was not such as to entitle it to their lordships' sanction. This, it was true, might be deemed a general objection, had he neglected to follow it up with specifying the several motives which induced him to be of that opinion. His reasons were numerous, and out of many which he urged he should just remind the noble

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lord of two or three. One reason was, that the facts stated in the preamble were either not proved, or acknowledged to be false. The noble earl at the head of the council confessed as much, for he fairly acknowledged, with his usual openness and candour, that the experiments made upon vermin in gardens had in fact miscarried. Here, then, he was at liberty to affirm that the preamble of the Bill contained a falsehood on the very face of it; because it stated, that Philips's powder or composition was a powder for the destruction of caterpillars, flies, and other vermin in gardens; whereas the experiments made warranted no such allegation. So far, then, the noble earl must acknowledge his mistake, when his lordship charged him with dealing entirely in generals; for here was a particular objection, and a fatal one too, unless the preamble should be amended.—The other part of the preamble, relative to the weevils and cock-roaches, afforded him an opportunity of shewing that he had not entirely relied upon general arguments; for, if his memory served him right, he had objected to the evidence adduced in support of the efficacy of the powders in that instance, as well as the foregoing; for he would ever hold it parliamentary language, fit and becoming the duty and dignity of that House, if any doubt arose respecting the species, competency, or grounds of proof which might have induced the other to pass any Bill, or the suggestions, opinions or motives which might have operated upon it, to act or determine in such and such a manner, that their lordships were to take nothing upon trust or authority, but were bound, as legislators and honest men, to satisfy their own consciences in endeavouring to get at the truth. It was on this clear parliamentary ground that he stood, for he would defy the noble earl, or any other noble lord who heard him, to say that the House was in possession of a single fact to prove the efficacy of the powder in destroying weevils and cock-roaches, any more than the ants. Here was another particular objection; he would proceed a step farther, upon evidence which the noble lord would, he presumed, hardly attempt to controvert; no other than evidence drawn from the Bill itself.

What does the Bill say, or rather what does it confess? That no such discovery has yet been duly or satisfactorily proved. The Bill proposes, in the first instance, to give Philips, the supposed inventor, the sum of 600*l.* out of a sum of 3,600*l.* intended for him at some future day. What! 600*l.* when the Bill says, in another part, that the discovery has not only been made, but fully proved. The conduct of the Bill in this particular called for no comment; it was contradictory and absurd. It states that the discovery has been made, and proved in part, and withholds the reward upon a presumption, or possibility, that it has not been made nor proved, in another. But to varnish over this absurdity, a most extraordinary step of parliamentary management is devised. It is no less than the very decent request made to the legislature to vote 3,600*l.* as a reward for an eventual benefit, but at the same time to delegate a power to another description of men, namely, the Navy or Victualling boards, to dispose of the remaining 3,000*l.* after making an advance of the other 600*l.* He was ready to declare it was a direct insult upon parliament, to call upon them to grant money in such a way; it was making them a mere registry of the wishes or designs of other men, and desiring them at the same time to divest themselves of the power of controuling the disposition of the money; for as soon as the Bill passed, parliament would have no more to say to the disposition than if no such grant had ever passed that House. Here he would make his particular stand, and he trusted, that although no other objection existed, this alone would prevent their lordships from giving their assent to the Bill. The noble lord said, what! oppose the Bill in this stage? You call for evidence, but by refusing to send it to a committee you shut out every species of proof whatever. He was persuaded there was not a noble lord that heard him, however willing they might be to send the Bill to a committee, who would not acknowledge that nothing more could come out in the committee than what their lordships were already in possession of; suggestions, expectations, and probabilities, of what might or might not hereafter turn out to be true. If the noble lord who spoke so long and so ably in favour of the Bill would boldly come forward, and say, that he had better and more relative proof to lay before the committee, then to be sure all opposition in this stage of the Bill ought to be at end; but the frame and whole texture of the Bill gave the fullest proof that no such thing was intended; on the contrary, the

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Bill was framed upon supposition; the allegations taken upon supposition; and, if it should meet with their lordships' concurrence, must be passed upon supposition.

The noble lord had spoken with his usual energy and volubility in reprobating "the poor ideas of a narrow and short-sighted policy, in dealing out, with a niggardly and trembling hand, the public money, when the welfare of the nation required a most liberal, generous, and grateful conduct." So far as the assertion went to maintain the ability of this country to meet her neighbouring enemies, he entirely coincided in sentiment with the noble lord. No man could be more perfectly persuaded of the great resources of this country than he was. He knew she abounded in native and acquired strength, and entertained not a single doubt but her finances were such as would enable her to carry on a war, against all those confederated against her, for several years to come; but when this abstract proposition came to be applied to the existing subject under their lordships' consideration, it called for some explanation. What does the Bill say? that the sum carved out is to be drawn from the supplies granted the present session; so far then, on the face of it, it takes the money already appropriated for public services, and applies it to a private purpose; for until proof was made of the efficacy of the powder, he should ever consider the present a private gratuity, destined to a private purpose. Now, whatever the noble lord might think respecting public generosity and public gratitude, in his apprehension the obligation and the object ought to be first ascertained. Mr. Philips, after all the noble lord had said in his praise, he had no room to doubt was a very ingenious and deserving man; but still his deserts were of a private nature, unless in relation to the noble lord and a few of his friends. He honoured the noble lord for the warmth of his friendships; but sitting as he did there, in his public capacity, he could never persuade himself to reward a man with the public money, until he had done something for the public to deserve it. If he understood any thing of taxes, supplies, or of the public revenue, it originated in this simple and clear principle, that the public contributed a certain part of their individual property in the expectation of deriving thereby some actual or probable benefit. Apply this maxim to the case before their lordships, and they would perceive that they were equally bound, by every principle of justice, honour, and true generosity, not to dispose of or grant away the money entrusted to their care, but upon the terms on which only they were competent to give it. He did not confine his objections merely to the largeness or smallness of the sum sought; it was the example, it was the principle chiefly against which he would, as long as he lived, steadily set his face: for he was firmly persuaded, from the several attempts made of late years in this way, that applications would become every session more frequent; that the public money would be lavished, and not barely thrown away, but bestowed upon the most worthless and undeserving men, perhaps, who had no other claim but what the consciousness of having some powerful friends to support them first suggested. Their lordships had a very recent instance in respect of a Bill they had just disposed of; a Bill from the other House, desiring their lordships to give a Dr. Smith 1,200*l.* not for services to be done, but which had been actually performed. But how did this claim originate? Why, thus; the prisons in the counties of Middlesex and Surrey were or were not neglected; for as to the claim, it was not necessary to determine. Well, Dr. Smith offers his services, or is desired by a member of the other House, since deceased (sir Charles Whitworth) to attend the prisons in those two counties. The doctor executes his commission, and comes to parliament with a demand of 1,200*l.* for his trouble; though there is a provision made by law in each county and all over the kingdom for the very purpose. Their lordships had, however, very properly rejected the request; for most clearly, if they had not, there would not be a single county, town, or city in the kingdom in which some other doctor would not start up, and the tables of both Houses soon be covered with apothecaries bills and prescriptions; and a precedent for neglect on one side, and jobbing on the other, would be fully established, upon no better ground than that some member of the other House, or this House, had desired one man to perform the duty of another, and invited him to go to parliament for his reward.—He was not disappointed in his expectations when the noble lord rose; he promised to himself the pleasure of hearing a very full and

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warm eulogium upon all the boards which are connected with, or dependent upon the very high department the noble lord so ably and honourably fills, with a panegyric upon particular persons who had the honour of his lordship's friendship. The noble lord has done both; but however ready he was to pay the most implicit credit to every thing asserted by the noble lord, as a member of that House, they amounted to no more than assurances that ought to be believed, so far as they related to the noble earl himself; but in point of evidence, the saying, that the gentleman who sat at this or that board were persons of the best understandings and of the most approved integrity, and that such an officer was no less known for his gallantry and skill in his profession; every tittle of this he was ready to subscribe to; but the integrity of one, the abilities of a second, or the bravery of a third, fell very short, in his apprehension, of proving the pretended efficacy of the powders.—The noble lord had, after producing private or conversational evidence on the subject, considerably extended his views; he had not only proved in his own way the efficacy of the powder, but entered into a kind of dissertation upon that salubrious viand, sour-crout. The noble lord has told your lordships, that he has put the nation to a very considerable expence in the article of sour-crout; his lordship has assured you, that being perfectly satisfied himself of its salubrious qualities, and of its almost miraculous effects in preserving the health of the seamen, he did not wait to take the advice, or procure the previous sanction of parliament (nor, his lordship might have added, of procuring a patent) in its favour: no; his lordship declares, that for the good of his country, which must have in the mean time been deprived of the benefits derivable from so valuable a succedaneum of health, he broke through the bond of common office forms, which are binding on ordinary occasions, and run the risk of the event. His lordship, as he always does when he acts on his own suggestions and judgment, acted with equal spirit and candour. He acted like a great minister; he took the responsibility upon himself; he purchased immense quantities of sour-crout, thereby subjecting himself to the future approbation or disapprobation of parliament.—The learned lord then made a few observations on the nature and obvious tendency of the Bill. The preamble, his lordship said, consisted of two parts, namely, the destruction of the caterpillars and other mischievous vermin in gardens, and of the weevils, cock-roaches, &c. in his Majesty's provision stores, but more particularly among the provisions aboard his Majesty's ships of war. They were, it was true, strange names; some of which he had never before heard of. The animals so described were no less strange in their nature: the whole bore a wonderful strange appearance; for the operation of the powder on those animals was, if possible, more strange than any other circumstance whatever. The effects of the process and experiments made upon those cock-roaches, caterpillars, &c. as he understood, were more than strange; for they struck him as truly extraordinary. The poor caterpillars, the garden-inhabitants, were first attacked: the powder was administered to them, or thrown in their way. They grew sick, very sick indeed! but they unhappily recovered. This trial convinced those who made it, that the powder was very good, strong, and efficacious; but the patients were not of the right kind. Others of a different constitution are now anxiously sought after by the discoverer and his assistants; yet he has not been so fortunate hitherto as to find out the kind of vermin he wants. The noble earl at the head of his Majesty's council acknowledges very ingenuously, that the right subjects are not yet found. These are the latest accounts; and, it is presumed, may be relied on with confidence. As soon as they shall, your lordships may depend upon hearing the happy and important tidings announced in due form, and all the circumstances leading to an event of such consequence authenticated from the most respectable authority.—The noble lord, by way of recapitulation, took a transient glance at the sour-crout, the noble earl's avowed responsibility for the great risk his lordship run in ordering such vast quantities of sour-crout to be purchased without the previous consent of parliament, and concluded with professing his full disapprobation of the principle as well as provisions of the Bill.

Lord *Dudley* contended, that granting Mr. Philips a monopoly would not be properly rewarding him for a public benefit, as the service expected would be of a public nature. Counterfeits might defeat the private advantages, and moreover, whatever demand he might have for his

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powder, it might be many years before he could reimburse himself for his great trouble, toil, and expence.

The Duke of *Grafton* replied, if the amount of damage stated by the noble lord at the head of the Admiralty had been correctly given, and the author was allowed only a reasonable profit, his emolument would amount to more within a single year than the sum designed for him by this Bill.

The *Lord Chancellor* said, there was one objection which, in his apprehension, must prove fatal to the Bill even in this stage, which was, that the money was to be granted *in præsente*, upon proofs of its efficacy to be made *in futuro*.

The Earl of *Suffolk* called it a notorious and palpable job; during the great number of years he had sat in the other House, he scarcely ever remembered a session in which two or three jobs of this kind were not attempted, or carried through. One instance of it just struck his mind; it was a man from Manchester, who pretended to have discovered a method of dying cotton goods in a most extraordinary manner. Specimens were produced, and laid upon the table of the House of Commons. He examined them, and confessed they were most beautiful; but after the fellow had procured 5,000*l.* for his wonderful discovery, upon enquiry, he found out it was all a cheat, for the colours, as he was afterwards well informed, flew in three or four days, and lost all their external beauty.

Earl *Bathurst* said, it would be disrespectful to the other House to reject the Bill in this stage; that the money, though granted, could not be disposed of till proofs of the efficacy of the powder were fully made and established; and that the proper stage to decide upon evidence, if it should be wanted, was in the committee.

The Duke of *Chandos* said a few words against the Bill, and moved, that the farther consideration of it should be put off till that day month.

The question being put, the House divided: Contents 10, Not Contents 21. The Bill was then read a second time.

July 3. The House went into a Committee on the Bill. Mr. Grimwood, a gardener, was examined, who said, so far as his experiments had gone, the powder answered extremely well. Captain Lisle and two other witnesses were next called, whose testimony seemed rather favourable.

Earl *Bathurst* animadverted on the evidence, and said, the efficacy of the powder had been so satisfactorily proved, that he hoped the Bill would meet with no farther interruption.

The Earl of *Sandwich* was equally warm in his expectations. He trusted no more time would be spent in seeking other proofs, where none were wanting. It was true cavils might be raised, *ad infinitum*, but from the well known disposition of their lordships nothing like that could be apprehended in such an assembly. Proofs had been sought, proofs had been given, and proofs had been received; after which he thought it extremely unnecessary to trouble the House with a single word more in support of a case so completely made out.

Lord *Walsingham* said, he had at one time conceived as great a predilection for the powder as the noble earl who spoke last. When the matter was first started, the consideration of it was referred to the Board of Trade, where at the time he had the honour to have a seat. As far as the subject came properly before the board, he must confess he was inclined to think favourably of it, and was led to believe it would answer the end proposed; but upon a closer investigation, and having received new lights on the subject, he had found strong reasons for altering his opinion; he was sorry totally to differ from the two noble earls who had already spoke; for, so far from the evidence being full and complete, he conceived it to be every way imperfect, unsatisfactory, and incomplete. Such, therefore, being, in his opinion, the real state of the case, he wished that government would reward Mr. Philips upon farther proofs, or that, trusting to the efficacy of his powders, he might obtain a patent to reimburse him for his loss of time and trouble.

Earl *Ferrers* condemned the principle of the Bill, in the first instance, and totally disapproved of the objects it had in contemplation. He thought, at a season like the present, that the public money ought not to be so applied; and, before he entered into a consideration of the nature of the powder, the benefits which were to be derived from it, or the proofs in which its presumed efficacy was made to rest, he had set his face against the Bill merely on account of the principle. He assured their lordships, that he had

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not acted entirely an idle part, for understanding it was a favourite purpose to be carried by lords of great weight and respectability in that House, he had called that very morning at an eminent gardener's in Brompton, who he had been informed had made a trial of Mr. Philips's powder. He asked him how far the powder had succeeded in destroying ants, caterpillars, and other vermin, which are apt to infest gardens, and prove so extremely injurious to the interest of the cultivator? The gardener, in consequence of those questions, pointed out to him an apricot-tree, with its leaves withered and dropped, which tree he had dressed with the powder, agreeably to the directions which accompanied it. The gardener, so far from thinking favourably of the powder, his lordship said, was clearly of opinion that it was of a poisonous quality; and assured him, he would not eat the fruit which grew upon those trees which had been sprinkled with the powder on any consideration whatever. If, where the process was so much more removed from the public danger arising from the noxious qualities of the powder, and the gardener had expressed such strong apprehensions, he thought it behoved their lordships to be much more circumspect and careful where the powder was to be immediately mixed with the food of the men serving aboard his Majesty's ships of war. In ship-provisions, the mischief might be so extended, as to affect the health of many thousands, before any means of putting a stop to it could be devised; he therefore seriously exhorted their lordships, to take care what farther steps they took in the business.

The Marquis of *Rockingham* coincided strongly in opinion with the noble earl who spoke last. He thought the evidence given at the bar might have been well spared, as it amounted to just nothing. If something more satisfactory did not still remain behind, he should not hesitate to say, that it was impossible their lordships, upon such proofs, could ever pass the Bill. The session was just drawing to a period, the proofs, as he observed before, were yet wanting; under such circumstances therefore, if Mr. Phillips was to be rewarded at all events, he saw no other mode of doing it, but by granting that gentleman a patent; from whence, within a very few years, he must derive a most ample fortune, if his powder answered the expectation formed of it.

The *Lord Chancellor* was not in the least persuaded, that the efficacy of the powder had been proved in any one instance. He said, he had received a letter from a Mr. Shields, an eminent nurseryman and gardener, the preceding evening, stating, that he had made various experiments with the powder, but it by no means answered. His lordship hoped before the House consented to give away so large a sum of the public money, and as yet for seemingly an interested purpose, all the evidence which could be procured, either for or against, ought to be heard. In order, therefore, that Mr. Shields might be examined, he moved, That the chairman leave the chair, and report progress.

Earl *Bathurst* opposed the motion very warmly, and said, he was surprised to hear the learned lord who spoke last, represent the Bill as an object merely calculated to serve an individual; when it was manifest, that it had been taken up upon the most clear, open, and unquestionable ground of public utility; no less an object than that of preserving the health of our seamen against the bad effects which had been so often, so fatally felt aboard his Majesty's ships of war, where those vermin called weevils and cock-roaches, had, by mixing with the ships provisions, rendered them destructive to the health of the seamen. As for postponing the Bill to a future day, merely to hunt out evidence to defeat it, he believed it was a thing totally unusual. It had already been before the House for several days, and the not calling or preparing evidence to meet that given at the bar, was in his apprehension, giving the point up, unless the noble and learned lord would come forward and say, that he would produce the testimony of other witnesses, which would be sufficient to overturn every thing hitherto advanced in favour of the Bill.

Lord *Dudley* said, he felt himself hurt at something that had fallen from the learned lord, as if those noble lords who had supported the Bill, acted from interested motives. All he could say in justice to himself, was, that whatever question came before him, in his legislative capacity, he determined upon it as a free and independent peer of parliament. He never was an advocate for any man, or any Bill, but in every question which came before him, determined agreeably to his conscience, and as far as he was

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able to judge, for the good of his country.

The *Lord Chancellor* observed, that the noble lord who spoke last, had so exacly described him, that it was impossible for him to pass by unnoticed what had fallen from his lordship. He denied that he had by insinuation, inuendo, or direct expression, asserted any thing so scandalous against any one of their lordships. It would have been a gross reflection upon them as members of that House; it would have been a gross violation of the established rules of debate; and it would, were he capable of uttering the like, be a daring and unprovoked insult put upon the whole body of the peerage. Such an idea was abhorrent to his nature, and as the charge bore such a complexion, he thought any noble lord, who in the hurry of debate might feel himself hurt, should be extremely cautious, in charging another noble lord with what must stick so fast, if it should stick at all.

The House divided: Contents, 15; Non-Contents, 15. The Earl of Sandwich seeing the numbers were equal, agreed that the Lord Chancellor's motion, and the farther consideration of the Bill, should be deferred till Tuesday.

July 10. The order of the day for going into a committee upon Philips's powder Bill being read,

The Earl of *Sandwich* observed, that so many reports had gone forth relative to the inefficacy of Mr. Philips's powder, and so many differences had arisen among their lordships on the subject, that the Bill, though sufficiently important to claim their lordships' warmest attention, was not of importance enough, in his mind, to take up so much of their lordships' time at so advanced a period of the session. He should, therefore, content himself with an Address to his Majesty, that the result of the several experiments which have or shall be made aboard his Majesty's ships of war, be laid before that House at the opening of the next session. His lordship said, he should next move, that the farther consideration of the Bill be deferred till that day three weeks. He declared, that he had no wish one way or the other, unless so far as the public were likely to derive a benefit from the invention, and if after the documents, now moved for were produced, it should be found that the inventor had deceived himself, he would be as active as any one noble lord, in rejecting Mr. Philips's pretentions.

The Marquis of *Rockingham* saw no reason, when the witnesses were waiting to be examined, to postpone the business any longer. A few days since such a motion might have been proper, it would have saved their lordships a great deal of time and useless attendance, but when the merits of the Bill were at issue, in his apprehension, the motion was premature. He could see no ground for making his Majesty a party in the business: it was unnecessary, if not disrespectful. Besides, he was astonished to hear the noble earl doubt, for the first time, the efficacy of the powder, after he had asserted, that he had already purchased from the inventor no less than one hundred ton of it for the use of the navy.

The first question being put, the House divided: Contents 21; Not Contents 13.

The second motion being put,

The Earl of *Abingdon* said:—Conceiving the Bill that is now before us, to be in this hour of much-wanted reformation one of the great desiderata of the state, I am come down, supposing it to meet my idea, to give it my most hearty support. The Bill I conceive to be a Bill stating the invention of a powder for the destroying of vermin; and my idea is, that these vermin, are the vermin of the court; that is to say, the vermin that have been, ever since the commencement of the American war, sucking the blood and preying upon the vitals of this nation; such as contractors under (in the true Linnean system) all their different classes, genera, and species, jobbers, place-mongers, bank-note, or ready-money parliamentary-men, loanists, or otherwise called scrip-men, with all the other various variety, which, from the want of acquaintance with the natural history of this creation I am unable to name.—I say, then, if this be the object of the Bill, I hope your lordships will think that I shall be most sincere in my support of it, nor can I suppose that there is a single lord who will not lend me his aid upon this occasion; especially, when your lordships consider that, in this case, it is with the body politic, exactly the same as it is with the body natural: the more beggarly a beggar is, the greater number of vermin he has always about him; and just so it is with the state at present, the more it is impoverished, the more it is sunk, the more beggarly it is, (thanks be to the minister!) the more is it

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to be surrounded with, the more do they cling about it; the faster do they stick upon it, and the more is it to be eaten up alive, and devoured by these vermin.—But now, my lords, having said this, I am afraid I have been forming an expectation of this Bill, which is not at the bottom of it; but on the contrary, that instead of intending to destroy jobbers, this Bill is the most arrant job of itself in the world, and not only so, but the most shameful imposition that ever was attempted to be put upon the legislature of this or any other country; so shameful, that I can consider it in no other light, than as a trial (by playing a mere boyish trick with us) to see how far, and to what length the parliament of England will suffer itself to be duped and imposed upon; for, my lords, taking this Bill in its true light, what is the object of it? The object of it is to destroy vermin by means of a powder that has been invented for the purpose: but how, my lords, is this to be done? is the powder to operate by fascination? is it to act of itself? is it to be its own distributor? No, my lords, no such thing; but how then is it to be done? Why, my lords, as I understand, it is to be done in the manner in which when we were boys at school, we were taught to catch birds, by putting salt upon their tails, and so putting this boyish trick upon us: as for instance, to catch a bird, you are to put salt upon its tail, and so to kill an insect, you are to put this powder upon it: and then, my lords, you are told with a great deal of gravity, that this is a secret, and that for this secret, we are to pay the sum of 3,600*l.* net money. Yes, my lords, it is for a secret; it is the secret that has been long since wasting and exhausting the treasure of this country. I am told, my lords, (but this is no secret, for I read it in the public papers) that one Pinchbeck, commonly called Patent Snuffers Pinchbeck, is to be a jobber in this job; and here lies the secret, my lords, a secret that may lead to the discovery of a great many others, and much greater jobs and secrets than this is.—But, now, my lords, adverting more immediately to the point before us, I will, with your lordships' permission, give the House some information that has come to my knowledge, respecting this Philippic powder (as it may well be called;) for, in killing vermin, it creates Philippics that may be of use in directing your lordships' judgments upon this Bill. It seems, my lords, that the French as well as British West India islands, having been of late years so much afflicted with vermin as most materially to injure their crops, very great rewards were offered to any person who would undertake the cure of the evil. And this, probably, was the motive that first set Mr. Philips's inventive genius to work. But, be this as it may, Mr. Philips, in search of the reward that was held out to the public by the British West India islands, did think fit to make an offer of his services to the body of West India planters and merchants in the city of London; of which the consequence was, that a committee of planters and merchants were appointed to enquire into Mr. Philips's pretensions as to the undertaking; and they being so appointed, and the parties met, the following was the issue of business: Mr. Philips was asked by the committee in what manner his powder was to be used? He answered, by strewing it over the surface of the land. He was then asked to what depth ought it to be laid upon the land? He said, about the eighth part of an inch. The next question then was, what was the price of his powder? He answered, if much of it was wanted, the price of it was a guinea per hundred weight. In possession, then, of these facts, the next proceeding of the committee was, to calculate by the quantity that was wanted for an acre of land what the expence of the powder would be per acre; and it appeared that the quantity of powder necessary to strew over an acre of land, the eighth part of an inch deep, would amount to 350 guineas; a price more than six times the value of the fee simple of an acre of land, whilst at the same time, the experiment remained to be tried upon the neighbouring acre, equally affected with vermin; and so on from acre to acre, wherever the vermin were to be found.—I need not, methinks, my lords, tell your lordships what was the report of this committee to their body. It certainly was not what this Bill reports to us from the House of Commons. From the House of Commons, Mr. Philips is sent up to us to demand 3,600*l.* From the committee of West India planters and merchants, Mr. Philips was dismissed with a flea in his ear, that he might make use of his powder upon himself, and not upon them. I trust, my lords, that we shall follow the example of the planters and merchants, in preference to that of the House of Commons,

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and in so doing, give Mr. Philips another flea in his ear for the use of his powder.

The further consideration of the Bill was then deferred to that day three weeks.

Debate in the Commons on the Petition of the American Prisoners confined in Mill Prison Plymouth.] June 20. A Petition of upwards of two hundred American prisoners at present confined in Mill Prison at Plymouth, in behalf of themselves and others their countrymen, &c. was presented; setting forth, "That under the peculiar nature and circumstances of the petitioners' commitment to prison, they are debarred of the many benefits and indulgences which are usually and generally shewn to all other prisoners and captives, particularly in their being at present, and during the winter, almost naked and barefooted, by the government's having ceased supplying them with cloathing as they had been heretofore accustomed to do at the period of every three months, and in their being allowed and supplied with only two-thirds the quantity of bread usually and daily allowed the prisoners and captives of France, Spain, and Holland, the whole of which allowance, as is issued to and received by the petitioners, being no more than one sufficient and satisfactory repast for men who have no other present enjoyment than that of perfect health, the prisoners and captives of France, Spain, and Holland, being enabled to supply themselves with such deficiencies of provision or food from the open market at the gates of the prison, by the annuities which they receive monthly, together with a full supply of cloathing at the period of every three months, from the agents for their respective states, a privilege whereof the petitioners are debarred by the non-existence of an agent in Great Britain for the purpose of supplying them with such necessary articles, and which deficiencies of food or provision hath heretofore been made up to the petitioners in part by the humane and benevolent people in many parts of Great Britain having raised several sums of money for their relief, all which being now quite or nearly expended, the petitioners are again reduced to their former miserable and calamitous half-starved condition, a few of their number only excepted, who are gratefully indebted to the bounty of their former friends for some small supplies of money, towards alleviating the immediate and most consequent wants of nature in their present deplorable and unhappy situation of captivity and distress: and therefore praying the House to hear and grant the prayer of their petition, by their being supplied with cloathing at the period of every three months, as had been heretofore customary; and which, on account of the inferior quality of the cloathing is not too frequent, and by their being allowed and supplied with the same quantity of bread daily allowed to the prisoners and captives of France, Spain, and Holland, whereby the petitioners may, for the support of nature, have more than one repast during the present long course of the day, it not being in their power to supply themselves, for the want of those customary annuities which all other prisoners and captives receive monthly from their respective agents."

Ordered to be taken into consideration the 29th instant; also that the commissioners for sick and wounded, and prisoners of war, do attend this House at the same time.

June 29. The order of the day for examining witnesses on the above Petition was read, and Dr. Farquharson, of the Sick and Hurt Office, was called to the bar. He informed the House, that the prisoners had an allowance per day, per man, of one pound of bread, three quarters of a pound of meat, one pot of beer, half an ounce of butter or of cheese, together with about half a pint of pease, or greens in proportion in lieu thereof. This was not so much as the French, Spanish, and Dutch prisoners were allowed, for they had one pound and a half of bread a day. He said, that this allowance was made for them before the war with France and the other powers commenced, and they had in making the ratio referred to the precedent in 1745, as applicable to the case of the American prisoners; but the allowance was greater than that which was given to the rebels in that time, for they had only a pound of bread, half a pound of meat, and a quarter of a pound of cheese; they had neither beer nor greens allowed them. He said, that they were allowed the same clothes now as they had been from the beginning, that they had a large airing ground, that they were healthy and vigorous; as a strong proof of which he would mention, that though they had been attacked by the small-pox, yet out

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of 691 prisoners in four years only 18 had died. Mr. Luhman spoke to the same fact.

Mr. *Fox* then rose, and said, that as the gentlemen had at least confirmed one part of the allegations contained in the petition of the American prisoners, viz. that they were not treated so well, nor allowed the same quantity of provisions that the French, Spanish, and Dutch prisoners were, he would submit to the House the propriety and policy of this conduct: whether it was fit, prudent, or wise, that we should make a distinction in favour of the old inveterate enemies of this country, to the prejudice of those who were, and whom he hoped would one day be again, our fellow subjects. If any preference were to be shewn, he conceived it ought to be made in favour of America; but at least there ought to be no distinction made to their disadvantage. He would therefore move for an Address to his Majesty to put them on the same footing, unless some gentleman in office would give the House an assurance that without any farther proceeding it should be done.

Admiral *Keppel* supported the justice and the generosity of the idea of treating them at least with equal kindness; and recommended to the House to adopt the wise policy of conciliating the minds of the Americans by offices of tenderness and predilection, by which they might be prompted to treat the subjects of this country in their hands with equal attention; and by this interchange of kindness the old friendship and connection might be renewed. He mentioned a circumstance which came within his own knowledge. When he was at Plymouth, in the command of the fleet, he received a letter from a person in that jail, stating that he was called upon by a large body of the American prisoners, to apply to him to solicit his interference in their favour, that they might be permitted to serve his Majesty on board his royal navy against the French, the ancient enemies of Great Britain. They were eager to do this, from the regard which they had for Britain; though as Americans they had taken up arms for the preservation of their domestic freedom, yet they were anxious to exert themselves against the common enemy; and if they were granted this request, they would then cheerfully submit to be tried for their offence in taking up arms in the original cause of America against the mother country. The person who wrote this letter, said that he was not an American, but an Englishman, taken on board an American privateer; that he had fought under the admiral in the reduction of the Havannah, and was anxious again to share in the dangers and the triumphs of his country. This offer he considered so honourable to themselves, as well as advantageous to the country, that he transmitted the letter to the Admiralty, with an earnest recommendation to accept the proposal, and give him liberty to take advantage of the offer. About 200 excellent seamen would have been procured by this means for his Majesty's service; but the Admiralty, for what reason he was never able to learn, had thought proper to refuse the request. They had, however, since adopted it.

Mr. *Penton* thought the provision made for the American prisoners fully sufficient: it was declared to be so by the witnesses at the bar, and the best proof of it was the remarkable health in which they had continued during the time of their confinement.

Mr. *Gascoyne* said, that the American prisoners were not only put on a better footing than the rebels were in 1745, but had absolutely more provision than our own soldiers when on board the transports. He thought it would be wrong to put them on the same footing as the French and other prisoners of war; they were not prisoners of war, but were entertained better than any other prisoners under the same predicament. It was natural for prisoners to complain; and nobody could blame them; but it was wrong in gentlemen to bring every complaint from prisoners before parliament till the nature of it had been considered. He never knew a judge enter a town on the circuit, but there was always a complaint preferred to him by the prisoners against the jailor: and he could say, that he seldom, if ever, found the charge to be true. As to promising that the Americans should receive a larger allowance than their present, he would do no such thing; he thought it already sufficient, and considerably greater than one half of England enjoyed. A motion for an address he thought premature; for it ought to be preceded by a resolution, stating some grievance that had been proved to the House.

Mr. *Fox* admitted the propriety of the last observation, and moved, "That it is the opinion of this House, that the American prisoners ought to be put upon the

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same footing, with respect to the allowance of bread, as the prisoners of France, Spain, and Holland." He condemned the inhumanity of treating Americans worse than other prisoners. He insisted, that if a pound and a half were necessary to a Frenchman, one pound was insufficient for an American: and on the other hand, if one pound was sufficient for the American, the odd half pound was unnecessary to the Frenchman.

Lord *North* said, the present allowance to the Americans was sufficient; and was convinced, that every gentleman in the House knew, that the bulk of the people of England, particularly the labouring men, were not able to lay out, individually, so much money in the article of provisions as was allowed for the support of each American prisoner. The Americans ought to be treated with humanity; and it was proved at the bar that they were so; and when it was considered that they had far a greater allowance than the rebels in 1745; that they had a greater allowance even than our own troops serving on board transports, he could not see that they had the least cause to complain. He thought, therefore, that it would not be sufficient to reject the motion; but that other resolutions should be proposed, stating the facts as they had been proved at the bar, that the world might be able to judge of the truth or falsehood of the charge. A precedent of allowance in former wars, made the government incline to give the French, Spanish, and Dutch prisoners this greater allowance; but it was surely a bad argument to say that the Americans had too little, because the French had more than enough. This was exactly the state of the case. He did not believe that the British prisoners in America had the same, or so good, an allowance.

Mr. *Burke* began with observing, that the choice of precedents in this case was a little unfortunate; for there being a good and a bad one, the bad one was chosen, though the good was the most recent; instead of feeding men by the precedent immediately before our eyes, we starved them by resorting to that of the year 1745. He denied that the British prisoners were worse treated in America than the Americans in this country; asserting, on the contrary, that they were quartered in the villages, and supplied with all that the markets could produce. He ascribed the ill usage of these poor men to the rancour that had pervaded our whole system of politics with respect to America, and contended, that it would be as pernicious to our cause as it was inhuman in its nature. With respect to that declaratory motion the noble lord intended to make, parliament might make resolutions, but people would look to facts, and no declarations could convince contrary to plain evidence.

Mr. *Dundas* argued strenuously on the opposite side, condemning in pointed terms the calumniative spirit which had propagated these libels on the national munificence, and enforcing the propriety of defeating them, not by a general declaration, but by holding forth to the world specifically what the allowance complained of actually is.

Mr. *Fox* declared, that his opinion of the American cause had all along been, that it was the cause of freedom, the cause of the constitution, the cause of Whiggism, and he had in its origin sincerely wished it success. If he had been an American, he believed he knew himself well enough to think that he should not have been inactive; but being an Englishman, he had considered it his duty, as it was his inclination, to confine his efforts to an ardent opposition to those sanguinary measures that had involved us in this war, and which being hostile to freedom, he had considered as contrary to the true interests of his country. He said, that when the noble lord attributed the good health of the prisoners to the allowance from government, he had omitted the liberal subscriptions that had been raised for their comfort and support; and which had this effect, that they convinced America that England was not yet without numbers who had hearts to commiserate the distresses of prisoners, while administration had nothing in view but to satiate their revenge.

Mr. *Dundas* said he resented the charges of malice, resentment, and revenge, brought by the hon. member against administration; they were as false as unmerited, and whenever the hon. gentleman should raise up the rod of correction, he would retort it back, and treat the hon. member according to the example he set. He was not surprised that the hon. gentleman rejoiced at the successes of our enemies; successes to which he had not a little contributed by his language and conduct in that House.

Sir *P. J. Clerke* called to order, as the learned gentleman had spoken once before; this brought on a debate relative to

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order, which lasted half an hour. When it was over,

Lord *Fielding* said, he need not treat with much ceremony the motion of a gentleman who treated several acts of the legislature so disrespectfully: by those the Americans were pronounced rebels; yet the hon. gentleman had in fact wished them success. The rebellion of 1745 had been mentioned; he was convinced that if the hon. gentleman had lived at that time, and had spoken of the victories of the rebels at Falkirk and Preston-Pans, in the manner he had spoken of the American victories, twenty members would have started up at once to have him committed to the Tower.

The *Solicitor General* arraigned the conduct of Mr. Fox in severe terms. He asked him if he intended to confine himself to bare wishes for the success of the Americans? Did he intend to draw the sword, put on the American uniform, and inlist under Washington, to fight the battles of America, and point his sword against the breast of his countrymen?

Mr. *Fox* gave no reply.

The House divided: Yeas 28; Noes 75.

Mr. *Fox* rose again, in order to move his address, as he at first proposed. He introduced it by some animadversions on the language of the Lord Advocate in the former debate. He said he gloried in having always adhered to Whig principles, and, as a consequence of that way of thinking, to the claims of America: he did not deny that he wished America to be successful: but how, in any other manner, he promoted them, the learned lord perhaps could tell; he could not: this he would say, however, no man had more strenuously endeavoured to prevent those victories than he had, by endeavouring to prevent the quarrel which necessarily gave rise to them. He concluded with moving, "That an humble Address be presented to his Majesty, informing his Majesty of a Petition which has been presented to this House, signed by upwards of 200 Americans, in behalf of themselves and others now confined in the Mill Prison at Plymouth; in which is set forth, that an allowance of clothing, which they have heretofore been supplied with from government, hath for some time past been discontinued, and that they have but two-thirds of the allowance of bread which is given to the prisoners of France, Spain, and Holland, from which circumstances, and from the nature of their commitment, and want of an agent, their condition of prisoners is peculiarly hard: to inform his Majesty, that this House hath examined the Commissioners for Sick and Wounded Seamen, to whom, under the Board of Admiralty, the management of the said prisoners is entrusted, touching the said complaint, and has found the same to be founded in truth, so far as relates to the allowance of bread: to beseech his Majesty, that he would be graciously pleased to give orders, that the said prisoners should no longer continue in a worse condition as to food than those of France, Spain, and Holland, and that they should receive such further comforts and indulgences as their respective cases may deserve, and his Majesty in his royal wisdom shall think fit, fully convinced that such acts of humanity must ever be pleasing to his Majesty's generous mind, and may be a powerful means of reconciling the hearts of the revolted colonies to his Majesty's government."

Mr. *Jenkinson* said, that after the resolution on which it was to have been founded had been negatived by the House, surely they could not agree to the present motion without making their proceedings ridiculous; he should therefore move the previous question.

Mr. *Fox* answered, that he had no objection to make the former vote ridiculous.

Lord *North* persuaded his hon. friend to withdraw his previous question, and to suffer the motion to meet its proper fate, a direct negative. The hon. gentleman had advanced, that he wanted to make the House ridiculous and inconsistent; it was therefore a question between him and the House, whether they would gratify him in becoming so, and their sense ought to be taken upon it. The hon. gentleman's explanation of his sentiments towards America, he could not but admire: the learned lord had ill-treated him, in saying he promoted the victories of America; he did not accuse the hon. member of any treasonable design against his country, he did not know of any; and he was very sure that no one would attempt to bring, as a charge against him, that he wished success to the British arms; that was a charge of which the hon. member had taken no small pains to convince the House he was completely innocent. The hon. gentleman had gloried in his Whig principles, and had frequently given such an exposition of them, that he must confess for himself, if such was Whiggism, he was

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a staunch Tory; for the hon. gent.'s principles went to no less than the establishing a power in every individual to renounce his allegiance at pleasure; a power absolutely incompatible with the existence of any society in the universe. Here his lordship entered into an examination of Whig principles, as applied to the American war; stating that it was reconcileable with the opinions of lord Somers, and every other great character of that party. As to the subscriptions for the Americans, they were too trifling to be supposed the cause of the good health that had been remarked among them; and he was confirmed in that opinion by a paper in his hand, from which it appeared, that during the present year one prisoner had died; in the last year two; and in the year before eight. Now it was remarkable that in the present and last year there had been no subscriptions; yet in both years there had died but three prisoners; whereas eight had died in 1779, the year in which subscriptions had been raised.

The motion was negatived.

Mr. *Dundas* then moved, "That it appears to this House, that the allowance of provisions given to the American prisoners, is to each person in every week seven quarts of beer, seven pounds of bread, four pounds and a half of meat, four ounces of butter, or six ounces of cheese, together with two pints of pease, or greens in lieu thereof; and that the said American prisoners have during their confinement been remarkably healthy." To this motion the Lord Advocate originally added, that this provision was greater than that allowed to our own troops when at sea on board transports, but this on the suggestion of his friends he omitted.

Mr. *Fox* said, it would be only deceiving the world to state the bare fact, without letting them know that a distinction was made between French prisoners, who were treated generously, and Americans, who were cruelly oppressed; and that the resolutions of this day would not only excite the indignation of all Europe against us, but bring down the horrors of retaliation on our subjects, prisoners in America.

General *Burgoyne* said, that it was not a fair state of the case, that the Americans had more than our soldiers in transports: the truth was, that the soldiers had their pay going on, which enabled the officers to advance them money to get a thousand little necessaries.

Lord *North* said, that the hon. general was a little mistaken. The allowance was a pound of bread and half a pound of beef a week less to the soldiers than to the American prisoners, and their pay was not as great while at sea as on shore. As to the indignation of Europe, and the terror of retaliation, he did not apprehend either: let the allowance speak for itself; it was sufficient; and Europe would think so with him. As to retaliation, he wished to provoke the Americans to such retaliation; our prisoners in America would have reason to rejoice at it, and reconciliation might grow from it, when the Americans should know that their fellow citizens, prisoners in England, had a more ample allowance than their own soldiers in America, who were fighting their battles. The situation of our countrymen, prisoners in America, was truly deplorable; and we had been told more than once, by the rebels in authority, that if we did not feed them they might starve: the hon. general could speak upon the subject; to his honour he appealed for a fair answer, whether our soldiers, prisoners in America, were treated in any degree like American prisoners in England?

General *Burgoyne* replied, that while he lay at Cambridge he had many causes of complaint respecting the treatment his troops had experienced; but still it was not on the score of provisions.

Lord *George Germain* replied, that many complaints had been made from the hon. general's army while he was with it, but still more after he left it, on the score of provisions; and there was not a post that arrived from America which did not bring him letters filled with complaints of the barbarity experienced by our prisoners at the hands of the Americans.

The motion was agreed to. Mr. Fox then moved, as a fit proposition to follow that of the learned lord, "That it appears to this House that the said allowance is less by one half pound of bread per man per diem than is allowed to French, Spanish, and Dutch prisoners." Lord North moved the previous question, and the motion was got rid of by this means. Mr. Dundas then moved another resolution: "That it appears to this House that the clothing furnished to the American prisoners has been fully sufficient, and has been sent to them as often as the same has appeared to be wanting; and that the said clothing is furnished at the public expence, and has never been discontinued." This motion was also agreed to.

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Debate in the Lords on the Bill to amend the Marriage Act.] July 5. The Earl of Abingdon moved, that Mr. Fox's Bill to amend the Act of the 26th Geo. 2, intituled, "An Act for the better preventing of clandestine marriages; and for removing doubts with respect to certain marriages therein mentioned," be read a second time on Thursday next, and that the Lords be summoned.

The *Lord Chancellor* said, that the motion was, in his mind, extremely improper, for it would be premature to bring on the consideration of so important a Bill at present, when several lords, not expecting it, were of course unprepared to speak upon it: as for his own part, if all their lordships had already weighed the matter as much in their minds as he happened to have done in his, he would not feel the least difficulty in moving to put off the second reading of the Bill for three months: but as it was possible that their lordships might not have as yet turned their thoughts to it, he would not deprive them by a hasty motion, of an opportunity of speaking to the merits of the Bill. For his part, he did not intend to enter into the merits; it was sufficient for him that so very important a question ought not to be agitated in the middle of July. Many of their lordships might recollect the abuses that existed before the Marriage Act was introduced: they were so striking, that the House of Peers had directed the Judges to bring in a Bill to remedy them; the Bill was brought in, but as it happened not to prove unexceptionable to the House, it did not pass. In the next session, another Bill to correct the same abuses was brought in, and underwent the most solemn discussion in both Houses, before it passed into a law: that law had now existed 28 years; and the nation was familiarized to its forms: their lordships would therefore be backward to make any alterations in it, until it should have been proved that such alterations were necessary. He by no means contended that the law was proper in every respect, or that some provisions in the Bill to amend it might not be very desirable; but his great objection to the Bill was, that there was not, at present, time to enter into as ample a discussion of the subject as it required; and therefore he was ready to confess, that on that ground he would oppose the Bill on Thursday next. He entertained a great deal of respect for the hon. gentleman (Mr. Fox) who was the author of the Bill; but he could not carry his respect so far as to let a Bill of such importance pass at so late a period of the session, without doing every thing in his power to prevent it.

The Earl of *Abingdon* replied, that it was his opinion that the Bill ought to pass this session, and he trusted that he should be able to lay such facts before their lordships as would afford the most irresistible arguments in favour of the Bill. But as he knew he was not equal to a contest with the learned lord who spoke last, he would commit his thoughts to paper, and read them to the House on Thursday.

The motion was then put and carried.

July 12. Previous to the order of the day for the second reading of the Bill,

The Earl of *Abingdon* addressed the House as follows;—My lords, although I rise to give my countenance and support to this Bill, it is not because it is such a Bill as either meets my approbation or obtains my wishes; and, my lords, for this reason: that when any measure is in itself wrong, no modification of that measure can make it right: it is the removal of the measure itself only that can cure the evil. Upon this principle then, my lords, and inasmuch as this Bill is intended to make that which is very bad a little better; so upon this principle, this Bill cannot meet either my approbation or wishes. Instead of a modification of the Marriage Act, if it had been a Bill of repeal *in toto*, in that case my approbation and wishes, like the measure itself, had been complete; but as this is not the case, we must take the good and leave the bad; we must look to the light, and shut our eyes against the dark parts of this Bill; and if a man and a woman, though called upon by nature, that is, if *habiles ad matrimonium*, cannot propagate their species (because forbidden by a positive law) at 14 or 12 years of age, it is better that they should do so at 18 and 16, than be prevented from coming together till they are 21. It is in this light I look upon the Bill; and it is upon this ground, my lords, that I support it.

But now, my lords, having said this, I know I am calling down the aristocratic indignation of some in this House upon me; but this, my lords, is by no means any matter of dismay to me. As a rule of legislation it is laid down, "that there are two interests; the interest of the;

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whole, and the interest of the particular: that the interest of the former is great and noble, but that the interest of the latter is mean and scandalous." It is by this legislative rule that my legislative conduct will, I trust, ever be guided. It is by this rule that it is guided upon the present occasion, and perhaps there is no occasion that can occur which more peremptorily calls for the exercise of this rule than the present. The Act which this Bill means to modify, the Marriage Act, as it is called, was (as my lords the bishops know) like Dr. Graham's celestial bed, made for the few, and not for the many; for us, my lords, and not for the benefit of the nation; and therefore, as a legislator, wherever I met with this principle, although numbered among the few myself, my preference will always be given to the many; for the interest of the whole is great and noble, whilst the interest of the particular is mean and scandalous.

And now, my lords, with respect to the doctrine upon the Act itself, to which this Bill alludes, although of no very long date, its demerits have been so often discussed, as well on its own account, as on the account of its ill-begotten child the Royal Marriage Act, and are so pointedly marked out by your lordships' protests on the Journals of the House, as renders any observations of mine now, and to this end, useless and unnecessary. That the Act is contrary to the laws of nature, that it is contrary to religion, that it is contrary to the policy of all governments whatsoever, are such self-evident propositions as require no argument to prove them. To say, that when the fruit is ripe it shall not drop, is vainly to kick against the pricks. Nature will be obeyed, and not even a Spanish padlock can counteract her dictates. "Naturam expellas furca tamen usque recurret." That it is contrary to religion, I appeal to the right reverend prelates upon the bench, and insomuch can have no doubt of their giving their support to this Bill. St. Paul tells us, "it is better to marry than to burn." If therefore a woman, by the laws of nature, burn at 16 years of age, and an act of parliament says, she shall not marry till she is 21, what is the consequence? She either breaks a commandment, and sins; or perhaps by waiting burns out the oil of her lamp, and so dies without fulfilling the end of her creation. Under these circumstances, then, it is impossible not to suppose, but that the right reverend prelates will lend their assistance to a Bill, which is intended, in conformity with their duty, "Concubitu prohibere vago," instead of supporting an Act which manifestly encourages and promotes fornication and whoredom in the state.

That this Act is contrary to the policy of all governments whatsoever, the proofs are endless and without number. The wealth and strength of a nation are its numbers; to obtain those numbers is not by loose and intemperate pleasures, but by the chaste and more rational medium of the marriage bed; to which the sexes are to be invited by privileges and exemptions, and not deterred by the disabilities and penalties of laws. That it is contrary to the policy of this country in particular is, above all others, true. A country, where freedom is said to reside, where population is to supply the want of territory, and where trade and commerce, the creatures of the other two, form the only basis of its political greatness. Where, instead of an Act like this, an Act compelling Englishmen to fly to Scotland to comply with the laws of nature, (the only necessity that could induce an Englishman to fly to Scotland) the laws of nature should expect to find their surest refuge and their best support. Where, instead of prohibitions, enouragements to population and incitements to marriage, should be the first objects of its laws; where, instead of such an Act as this is, one should rather hope to see a law, which whilst it imposes the payment of triple taxes upon the man who beyond a certain age (suppose the age of 30) lives a single and unmarried life, to the man who is married, holds out the Roman privilege, the Roman right, the *jus trium liberorum*, in exemption from the payment of all taxes whatever. But do this, my lords, we must have what is difficult to procure, we must have a statesman and a politician, and not as the earl of Chatham once said of his brother-in-law, Mr. Grenville, "a thumper of law-books, and a retailer of words." We must have an earl of Chatham, if an earl of Chatham can be found; and if not, we must take the man who has wisdom enough to let the example of that great man be the object of his imitation. But, my lords, I am running into observations, which I have already said, were unnecessary for me to make; and therefore I will only trouble your lordships with a single remark more, that is rather incidental to

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this subject from what I have last said, than a topic of argument in it, and it is this: that impolitic and unwise as this Act is, I mean the Marriage Act, (for this, I presume, no one will venture to deny, especially after the recent instances that have been afforded your lordships of its want both of policy and wisdom) it is yet the legitimate offspring of the first and greatest lawyer this kingdom ever had to boast of; a reflection, my lords, that would be disgraceful to human nature, if another reflection, supported not only by the authority of the earl of Chatham but by reason and experience, did not confirm the truth of it, and which is this: that of all descriptions of men, (except the clergy, who think of nothing but of their own power,) the lawyers (I mean mere lawyers by profession) are the least qualified for statesmen and politicians. Your lordships will think this a bold assertion; but it is not therefore less founded on reason and experience: upon reason, for this arises out of the very nature of their profession; a profession that forces their abilities, however great, into all the little, low, narrow, confined personalities of persons and minutiæ of things; and in order to manage this with dexterity and success, into that poor left-handed wisdom called artifice and cunning, into those quirks and quibbles, which, instead of expanding, lessen and contract the human mind. Upon experience, for in the biographical history of all our eminent lawyers (except Bacon and Somers) shew me a lawyer that deserves the name of a statesman; upon experience, for look to the present reign; a reign which, for the whole of it, has the eminent misfortune of being under the guidance of an eminent lawyer: a lawyer who carried us across the Rubicon, who told us to draw our swords and throw away our scabbards: who bid us kill the Americans, or the Americans would kill us; who has made us believe that every common soldier in England, for the purposes of suppressing riots, is a justice of peace. My lords, upon the event of these counsels and upon the policy of these measures, let your lordships' experience determine. My lords, I have done, except to add my resolution to support this Bill, and to say, from the counsel of such lawyers, if his Majesty will not, may the Lord deliver us! One thing more it may be necessary for me to say, and that is, that I have no apology to make for what I have said. To speak the truth is the privilege of an Englishman; and to do so roundly and plainly is his first and best and greatest glory.

The *Lord Chancellor* observed, that though their lordships had not regularly gone into the order of the day, the noble earl, who took the opportunity of addressing the House, spoke to the question just as if it had been under consideration; but, in his conception, the noble lord had been premature in his observations, as they seemed much better calculated for a committee, than when the principle of the Bill was to be debated on a second reading. For his own part, he had long made up his mind, but if he had not, the very late period the Bill was introduced into that House, would serve him instead of every objection. Indeed, the noble lord himself disapproved of the Bill in its present form, nor did he expect to hear a single noble lord present say, that he could with propriety give his assent to it, destitute as it was of that degree of specification, accuracy, and precision, so necessary to Bills of such extent and importance, and which of course, must embrace so great a variety of objects. The noble earl had suggested several objections against the Marriage Act, passed in the reign of the late king, of which the present Bill was designed to be a partial repeal. He could not say that he was prepared to enter into the subject at large, nor would it be then at all proper. He assured their lordships, that he heard with great indifference the general censure thrown upon the profession of the law and its professors, nor did the memory of the great lawyer, whose character had been particularly pointed at, require him to stand forth as an advocate to defend it. That great lawyer's character was such as to bid defiance to the attacks of faction, and rose superior to the envy or ill-will of all those who would depreciate it. Though it might be irregular, he could not help observing, as he was up, that it was very extraordinary indeed, that the present Bill, loose and inaccurate as it was, was totally destitute of any plan or principle for effecting the obvious or declared purposes for which it was framed; for it did not even pretend to attempt to remedy any one of the grievances complained of as arising from the Marriage Act of the late king; on the contrary, the Bill proceeded upon a system perfectly new and unprecedented, and in his opinion, would leave the law worse

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than it found it, in the apprehension of those, who entertained the most unfavourable sentiments of the Act as it now stood. On the whole, he thought it would be extremely improper for the House, to proceed farther in a Bill of such infinite importance at so late a period of the session.

A motion was then made, that the Bill be read a second time, and on the question put, the earl of Abingdon said "the Contents have it," but observing that almost every lord present was preparing to go below the bar, his lordship declined a division. The Bill was then rejected.

Debate in the Lords on the Insolvent Debtors' Bill.] July 19. On the motion for going into a committee on this Bill,

Earl *Poulet* said:—My lords, though I am not averse to Bills of this kind passing at proper times and under proper regulations, yet I have strong objections to such frequent repetitions of them; because they have a tendency to sap and destroy all trust, faith, and confidence between man and man, without which, it is impossible to carry trade to that extent which in a great commercial country, like this, is to be wished. Credit has hitherto run from 6 to 18 months, according to different commodities, in which respective individuals generally traffic, and a vast advantage and encouragement it is to commerce to have such long credit, but if Bills of this sort recur so frequently, where is the manufacturer, who will in future give that long credit, when before the expiration of the time an Insolvent Bill is almost sure to pass, which absolves the person so intrusted from the payment of all his debts? Trade suffers a paralytic stroke by such Bills. My lords, the Bill in its preamble pleads humanity and compassion to induce your lordships to pass it, words calculated to operate on weak minds, and to assist the sinister purposes of hypocritical ones; but the consequences, give me leave to observe, are totally repugnant to justice, to the law of the land, and all sound policy. When laws lose their permanency, the people by degrees soon lose their honesty, which earlier or later must bring certain ruin on any country. Nine parts in ten, I will venture to affirm, of those now incarcerated in the several jails throughout the kingdom, have been brought there by their own idleness, by their own dissipation, by gambling and a total corruption of morals, many of them swindlers, many who have fraudulently got themselves put into jail merely to cheat their creditors, by taking advantage of this Act. Ought not then persons under this description to suffer a reasonable time of imprisonment at least, not only as a punishment for the injury they have done to individuals, but to deter others following the like examples? Away then with the cant terms of humanity and compassion, as if as much and more compassion was not due to the honest creditor who earns his bread by the callous hand of labour, as to the profligate debtor who has robbed him of his all by imposing under false pretences on his too easy credulity. The money which the honest creditor has thus lost, would in his hands, probably, if he had not been deluded of it, have been employed to the advantage of the public, whereas it has been squandered by the other to the injury and disgrace of society, and what is still worse and much more to be lamented, the unhappy creditor and his whole family in consequence, shall perhaps be forced into that jail from which his profligate debtor is just freed by this Bill. But farther, this Bill is the greatest discouragement to trade and industry that is possible; for what inducement has any person to be industrious but to make a saving for himself and family? But where is that inducement if he can find no security for the fruits of his labour? Add to this, that it is multiplying oaths; it is laying people under the strongest temptations to perjure themselves: it is in some degree making yourselves accessary to fraud. Your lordships had much better pass a short Bill, and decree at once, that no person in future shall be liable to the payment of his debts. Every body will then know what he has to depend upon; what he has to trust to. What has any person not over honest now to do to grow rich, but to extend his credit to the utmost, vesting whatever sum he can borrow in Bank bills, or East India bonds, and at a proper time, by a friendly suit, get himself put into jail, out of which a Bill of this kind shortly delivers him, when he may safely laugh at his creditors, having in his own hands the only means of being detected in his fraud? In a word, the duration of confinement is at present so short that people do not regard it, and are become so abandoned in principle, that they make a trade of taking every advantage of the credulous. Then we complain of the jails being so crowded that there is

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no room to contain the prisoners; to what is this owing, but to these bills of insolvency, which every three years they are taught to expect, and are hardy enough a little before the time to solicit imprisonment of some friend, with a view of leaving their creditors in the lurch? The numbers now in prison, I understand, is the chief reason of this Bill being set on foot: if so, I most heartily commiserate the pitiful state of this country, which has not more spirit than to suffer itself to be overborne by the very dregs, the scum of mankind. If it was possible to distinguish such as are or may be truly objects of compassion, who by a train of real and unavoidable misfortunes have lost their liberty, and such who by a bad course of life, and with bad views, have thrown and brought themselves into prison, one would gladly pass such a Bill; but as that is impossible, the only thing which can be done in their favour is to reduce their state of confinement to as short a time as you can without injury to the public, and that, I apprehend, cannot be for a less time than three years; a term, which few debtors would probably choose to undergo durance of, merely with a view of cheating their creditors.—My lords, Bills of this kind formerly were not used to pass but in the beginning of a reign, or once, perhaps, in seven years. Lately they have been reduced to three years; and I doubt not but that in a little time they will be brought regularly into parliament annually, like the Indemnification Bill, when there will be no longer any credit left in the nation. However, as this Bill has already made its progress through the other House, and expectations of its passing have been held out to the debtors, I shall not oppose its going into a committee, in hopes it may receive some amendments, which may render it less liable to objections than it is at present.

The House having accordingly resolved itself into a committee,

The *Lord Chancellor* observed, that the ground of the Bill, if he understood the preamble, stated the reasons for passing such a Bill in the usual and ordinary way, which he confessed appeared to him a little extraordinary, as there had been a Bill of a similar nature, passed about 18 months since. By the various laws in being, the creditor was assured of a security for the property he parted with. He appealed therefore to their lordships' wisdom and justice, whether it would be consonant to either to take away that security from them? If the legislature had determined to repeal those temporary acts of insolvency at shorter or longer periods, it would make every debtor a freeman on the cession of his property, for the benefit of his creditors, and in order to guard such a law from fraud and imposition, to vest a power in the judges, to determine how far the debtor was or was not intitled to the benefit of the law.—He had heard that there were strong motives for passing the present Bill, on which the Bill was silent. What he alluded to was the riots, which happened the preceding year, by which means an infinite number of persons, of almost every description of the lower order had been let loose on the public. For his part, he could not perceive any necessity, which arose from that circumstance; in his opinion, the present necessity, rather arose from the Act hastily passed at the conclusion of that session, but least he should not be able to make himself sufficiently understood, he would advert to some of the circumstances which came before the courts of law, and if his memory should so far fail him, as that he should fall into any error, he trusted, he should be corrected by the two noble lords who preside in the court of King's-bench and Common Pleas, and were now present.—His lordship then went into a history of the parliamentary proceedings in consequence of the riots, continuing them down to the present moment, and taking a particular view of the two Bills that had been brought in respecting prisoners at large in Middlesex and Surrey, sheriffs, jailors, &c. by the Attorney General. The first of these Bills, he stated to be the sort of remedy that in the moment, immediately subsequent to the breaking of the prisons, presented itself to the minds of those under whose direction the Bill was drawn. The novelty of the occasion, and the hurry in which, from the nature of the necessity that called for such a law, the Bill was obliged to be drawn, might be certainly taken as the reasons why an oversight should have crept into the Bill; the oversight he alluded to, was the enacting, that not only all persons who were in actual custody, at the time of the breaking of the prisons, should, upon surrendering to the marshal or warden of the two great prisons, in which respectively they might have been held, be deemed to be as if they were prisoners, but also that all debtors who should

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afterwards be arrested, should, upon surrender of bail, be granted a certificate, which should exempt them, and save them harmless not only from their creditors, up to the moment of their being surrendered, but also from all the creditors they might afterwards run in debt with. It was that latitude for fraud and villainy that he considered as the only ground, upon which it could be pretended even that the present Bill was necessary. Nor was the oversight confined solely to the first Bill, it was to be found also in the second, whence every man, fraudulent enough to wish to take advantage of the opportunity afforded by the Bill, was invited to practise fraud, cheat the honest trader, and swell the number of prisoners upon the books of the King's Bench and Fleet prisons to the enormous size which it had already attained. Had a clause been inserted, enacting that all those persons who were not in custody at the time of the breaking of the prisons, but who were arrested since, should be put into the real sitaation of a prisoner, been liable to be served with declarations, the actions against them rendered supersedeable under certain circumstances, every part of the regular process that went on against prisoners, when in custody, to go against them, and that they should be liable also to arrests on new suits, in his mind all the mischiefs that had happened, would have been avoided.—His lordship said, in the second Bill, there was an infirm clause, but a clause of considerable operation, which in some degree tended to correct the oversight he had complained of; and that was, the clause enacting that prisoners should not be moved from the country by Habeas Corpus to London, to take the benefit of the former Act. His lordship here went into a discussion of the original intention of the issuing a writ of Habeas Corpus, and said all their lordships, he doubted not, would be astonished to find, that, notwithstanding the charm the mere words Habeas Corpus carried with them, this writ, so far from being intended, as it was generally understood to be, (and as by fictitious process it was rendered) a benefit to the defendant, was designed to be an advantage and security to the plaintiff, who was by statute intitled to sue out a writ of Habeas Corpus, in order to bring up his debtor when he endeavoured to avoid the issue of a process. At present such was the perversion of practice, that defendants procured a friend to become a fictitious plaintiff, in order to sue out the writ of Habeas Corpus, and to enable them to move themselves where they pleased.—As the preamble held out none of those reasons for passing such a Bill, to which he had alluded, he must speak to it as an ordinary temporary Bill of Insolvency, to which, and to all such, he was eagerly anxious to be understood as a professed enemy, excepting only in cases where the public might be prevented from losing the benefit of the labour of so large a number of persons, when it could be proved, that they were really unfortunate and honest, desiring to do what was right if they had it in their power, and anxious by the sweat of their brow, to do their creditors ample justice. To relieve such persons, under certain regulations and restrictions, he should not object: but to temporary Acts of Insolvency in general he always should object, because he was persuaded they were of the most pernicious consequence, and tended rather to encourage fraud than relieve distress. Instead of the present Bill being applicable to the case which was rumoured to be the cause of the Bill, and which he understood was the form of the Bill when first brought into the other House, it was, as it now stood, an ordinary Bill of Insolvency, and that of the largest sort of any to be found upon the statute books. But it was said without doors, the extreme number of the prisoners made it necessary. Would their lordships, owning such a necessity, pass a temporary Bill of Insolvency? If they did, the inevitable consequence would be, that the evil now attempted to be cured, would grow into existence again almost immediately after the present was passed; for if the legislature once acknowledged that a large number of prisoners was a sufficient ground of necessity to render an Act of Insolvency expedient, new prisoners would crowd into the prisons the instant the present Bill was passed, in order to create a necessity for their being white-washed, as was called. But there was, in fact and in truth, nothing tremendous in the number of 6,000 prisoners.

The Earl of *Mansfield* said, the arguments that their lordships had just heard were so founded in principles of strict justice and sound policy, that he was very far from rising with an intention to controvert them; the only way in which they could be answered was, by opposing to them a mistaken compassion, which had of late years got such possession of the

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minds of men, that the edge of the law was frequently turned against the honest and deserving creditor, in order to protect and advantage the fraudulent debtor. With regard to the general reasoning of the learned lord respecting temporary Bills of Insolvency, it must be admitted to be perfectly just and undeniably true; the mischiefs resulting from them were justly increasing, and the impolicy as well as the injustice of passing such Bills at short intervals was so apparent, that it was wonderful the bulk of mankind had so long shut their eyes to it. In respect to all the learned lord had said, by way of general reasoning against such Bills, his opinion exactly coincided; it had ever led that way, but the torrent was against it, and it was impossible for those, whose minds were under the bias, that he scrupled not to confess his had been, to do more than reserve their sentiments to themselves, and be silent. That the compassion, upon which the friends of such Bills as the present had proceeded, was founded in error, was easy to be ascertained by an examination of its fruits. Every Act of Insolvency, and the variety of bankrupt laws now in existence, had proceeded from that mistaken compassion; and it was notorious that there was not a single statute out of all those to which he had referred, that had not been grossly abused, and which, instead of producing good, had not produced a considerable deal of fraud and villainy. The bankrupt laws were, as every body knew, grossly perverted; and instead of serving as a security to the creditor, and a check upon the debtor, operated directly the contrary way. An act of bankruptcy was regarded by the legislature as a crime, and a commission was designed as a punishment; at present the reverse was the case; a commission made a bankrupt's fortune; it was what he wished for; and his friends assisted him in procuring it. Every day proved the increase of frauds under the bankrupt laws, because every day shewed that they were more and more abused; and yet, he knew not how the abuse could be rectified, because he knew not how a rule could be laid down for separating the wheat from the chaff. So, in cases of Insolvent Bills, it was extremely difficult to draw them, so as to distinguish the honest and industrious debtors, from the idle and fraudulent. With regard, therefore, to the general reasoning against Bills of Insolvency, he joined most heartily with the learned lord; but he trusted he should be able to shew, that although Bills of Insolvency were generally pernicious, at present sound policy dictated, that passing some Bill, like the one under consideration, would be highly expedient. The learned lord was a little mistaken in supposing, that the interval between the time of passing the last Bill of Insolvency, and the bringing in of that before the committee, was only eighteen months; it was three years. A Bill was intended last year, but the breaking of the prisons prevented it. The period therefore, between the time of bringing in the last temporary Bill of Insolvency, and the time of bringing in the present, was longer than any interval of late years between the bringing in of such Bills. When Michaelmas term came, the court of King's-bench found the list upon their marshal's book enormous; they found also, that the prisons were not repaired nor ready to receive the prisoners. They were puzzled how to act; they did however what they could. They declared that all the debtors, who had fraudulently obtained the certificate, had become cheats to no purpose; for that a fraudulently obtained certificate would be of no avail; and the court had given the prisoners who were brought up from the country, the option of either going to New-prison, or back to the county gaol whence they came. New-prison, his lordship said, was a sufficiently harsh place of confinement in point of accommodation, and those of the country prisoners, who did not accept of that gaol, were remanded to the county gaol. He added, that when the Bill lately passed, was prepared, they had procured the clause, enacting, that no more prisoners should be removed by Habeas Corpus, to be inserted. That Bill was undoubtedly a necessary measure, and he could not but think, that some such Bill as the present was at this time expedient. With so large a number of prisoners on the books, it would be impossible for the courts to open the prisons. Lessen the number, and begin the new custody in a new manner. With a view to this, the court of King's-bench had already made orders adapted to the purpose. They had in particular made an order, that the wives and children of prisoners should not go into the prisons to lodge; and that for this reason: when the families of poor debtors once get footing in the prisons, there was no getting them out. The prisons afforded them lodging; they found a

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means of deducing profit from their situation, and they lived better in gaol than they ever had lived out of it. In order to prevent this, he had thought it right, when a debtor's action became supersedable, and he might obtain his liberty, to make him go out of prison by force; about eighty prisoners were thus forced out, and he did assure their lordships, that in many cases, they complained that it was a grievous infringement of the liberty of the subject that they might not be allowed to continue in prison if they chose it. The court had also ordered the Act, forbidding the use of spirituous liquors in prisons, in order to prevent the prisoners from getting intoxicated, to be strictly enforced. Under these new regulations, they hoped prisons would become less desirable places of habitation, and therefore it was designed, that the imprisonment should in future be more rigid; it was wished that the prisoners to go in might be as few as possible.—His lordship said, he had frequently met with a cruel debtor who had used his creditor most hardly, but he had rarely ever known of a cruel creditor, unless upon very great provocation indeed. He also laid some stress on the Insolvent Bill having passed the other House unanimously.

The Bill went through the Committee, and was ordered to be reported.

Protest against passing the Bengal Judicature Bill.] The Bill, "to explain and amend as much of an Act, made in the 13th of his present Majesty, intituled, 'An Act for the better management of 'the affairs of the East India Company, 'as well in India as in Europe,' as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying the governor-general and council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the supreme court," was passed. Upon which the following Protest was entered:

"Dissentient'

"Because this Bill, instead of preserving that impartiality which characterizes all just legislation, enacts, that a power of oppression, which is confessedly so great and dangerous, that it shall not be tolerated with respect to the life, the limb, the liberty, or even the property of any British-born subject who has but a temporary and voluntary residence in Indostan, shall yet subsist against the poor, the friendless, the plundered native, the natural and necessary inhabitant of that country, with all its terrors without limitation, and with scarce an appearance of responsibility.

"Because the giving power without responsibility can be justified, in my opinion, by no possible situation of affairs. The abuse of official power and the outrages committed in pursuit of wealth in India, have been observed in this country with an indifference which does no credit to our government: we shall not, I imagine, acquire any credit by extending that authority, much less by annexing impunity to its abuse.

"Because this Bill, which its warmest advocates do not contend, is either modelled by the strictest rules of justice, or adequate to the prevention, or punishment of offences committed against the natives, (but which, contrary to reason, to history, and experience, it is presumed will not be committed,) stands upon the single plea, which I contend to be an insufficient and immoral plea, state necessity; and even this plea we have admitted upon the credit of the Bill itself, without proof, either by evidence at the bar, or papers on the table; or even the information of any members in the progress of this Bill through the House, of any one circumstance on which the Bill originated, of any one abuse which it is to remedy, or of any one act of resistance, which it indemnifies.

"RADNOR."

The King's Speech at the Close of the Session.] July 18. The King put an end to the Session with the following Speech to both Houses:

"My Lords, and Gentlemen,

"Although the business of this session has required a longer attendance than may have been consistent with your private convenience; yet I am persuaded that you look back with satisfaction on the time you have employed in a faithful discharge of your duty to your country, in the present arduous and critical state of public affairs.

"I cannot let you depart into your respective countries, without assuring you of my entire approbation of your conduct, and of my perfect confidence in the loyalty and good affections of this parliament.

"The zeal and ardour which you have shewn for the honour of my crown, your firm and steady support of a just cause,

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and the great efforts you have made to enable me to surmount all the difficulties of this extensive and complicated war, must convince the world that the ancient spirit of the British nation is not abated or diminished.

"In the midst of these difficulties, you have formed regulations for the better management and improvement of the revenue; you have given additional strength and stability to public credit; and your deliberations on the affairs of the East India Company, have terminated in such measures as will, I trust, produce great and essential advantages to my kingdoms.

"I have observed, with much satisfaction, that during the course of that important business, your attention was not more anxiously directed to the benefits to be derived from the territorial acquisitions, than to the happiness and comfort of the inhabitants of those remote provinces.

"Whatever may remain to be done for securing those valuable possessions, and for restraining the abuses to which they are peculiarly liable, you will, I doubt not, proceed to provide for at your next meeting, with the same wisdom and temper that have governed your late proceedings and enquiries.

"Gentlemen of the House of Commons,

"My particular thanks are due to you for the ample provision you have made for the service of the current year. I see with great pleasure that you have had it in your power to apply so large a sum to the discharge of the debt of the navy, and that the supplies which you have granted have been raised in a manner the least burthensome to the property and industry of my faithful people.

"My Lords, and Gentlemen,

"While I lament the continuance of the present troubles, and the extension of the war, I have the conscious satisfaction to reflect that the constant aim of all my councils has been to bring back my deluded subjects in America to the happiness and liberty they formerly enjoyed, and to see the tranquillity of Europe restored.

"To defend the dominions, and to maintain the rights of this country, was, on my part, the sole cause, and is the only object of the war. Peace is the earnest wish of my heart; but I have too firm a reliance on the spirit and resources of the nation, the powerful assistance of my parliament, and the protection of a just and all-ruling Providence, to accept it upon any other terms or conditions than such as may consist with the honour and dignity of my crown, and the permanent interest and security of my people."

The Parliament was then prorogued to the 13th of September, and was afterwards further prorogued to the 27th of November.

SECOND SESSION OF THE FIFTEENTH PARLIAMENT OF GREAT BRITAIN.

*The King's Speech on Opening the Session.**] November 27. The King open-

* "During the recess of parliament no material change had taken place, either in the general temper of the nation, or in the political state of the contending parties. A total indifference to the desperate situation of affairs, or at least to the means of retrieving them, seems to have marked, at this time, the character of the people, beyond any former period of our history. The unsuccessful operations of the campaign, a circumstance which in former times had shaken the stability of the most popular administrations, scarcely raised a murmur against the present. The retreat of the Channel fleet recurred with the regularity of an annual review, and was regarded with as much unconcern. Our commerce was intercepted, the coasts of Great Britain and Ireland threatened and insulted; the ancient boast and security of this kingdom, the dominion of the sea, was seen in danger of being transferred to our enemies, without its exciting any other feeling than what the imminence of danger at the time produced. Our very successes had unfortunately been confined against a power whose interests had hitherto been considered as in some measure involving our own; and the inconsiderate joy with which these triumphs over an ancient ally and a weak and unprovided enemy were received by the people, afforded matter of no small concern to those who revered the old and approved maxims of English policy.

"In such a state of things, it cannot be wondered that the enormous weight of influence which ministers derived from the ordinary and established power of the crown, the patronage of immense military establishments, and the annual expenditure of upwards of 20 millions of the public money, should overpower the unaided and spirited efforts of those who wished to rouse the nation to a sense of its real situation. The only hope, therefore, that remained of rescuing it from the effects of a false system of

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ed the Session with the following Speech to both Houses:

"My Lords, and Gentlemen,

"When I last met you in parliament, I acquainted you with the arduous situation of public affairs at that time; and I represented to you the objects which I had in view, and the resolution with which I was determined to persevere in the defence of my dominions against the combined power of my enemies, until such a pacification could be made as might consist with the honour of my crown, and the permanent interest and security of my people. The war is still unhappily prolonged by that restless ambition which first excited our enemies to commence it, and which still continues to disappoint my earnest desire and diligent exertion to restore the public tranquillity: but I should not answer the trust committed to the sovereign of a free people, nor make a suitable return to my subjects for their constant, zealous, and affectionate attachment to my person, family, and government, if I consented to sacrifice, either to my own desire of peace, or to their temporary ease and relief, those essential rights and permanent interests, upon the maintenance and preservation of which the future strength and security of this country must ever principally depend.

"The favourable appearance of our affairs in the East Indies, and the safe and prosperous arrival of the numerous commercial fleets of my kingdoms, must have given you satisfaction; but in the course of this year, my assiduous endeavours to guard the extensive dominions of my crown have not been attended with success equal to the justice and uprightness of my views; and it is with great concern that I inform you, that the events of war have been very unfortunate to my arms in Virginia, having ended in the loss of my forces in that province.

"No endeavours have been wanting on my part to extinguish that spirit of rebellion which our enemies have found means to foment and maintain in the colonies, and to restore to my deluded subjects in America that happy and prosperous condition which they formerly derived from a due obedience to the laws; but the late misfortune in that quarter calls loudly for your firm concurrence and assistance, to frustrate the designs of our enemies, equally prejudicial to the real interests of America and to those of Great Britain.

"In the last session, you made a considerable progress in your enquiries into the state and condition of our dominions and revenues in the East Indies: you

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politics, under which its ruin seemed no longer problematical, was from the vigour and independence of parliament. It was evident, from the numbers which divided on the side of opposition during the first session of the new parliament, that, notwithstanding the advantage the court-party had derived from a sudden dissolution, the strength of the minister had declined in the House of Commons. The calamitous event of the campaign in Virginia, the news of which arrived in England but a few days before their second meeting, was likely to increase this defection, and threatened him with consequences not less fatal to his power at home than it was decisive on the object in dispute abroad.

"The contest in America had hitherto operated as an insuperable obstacle to the free exercise of parliamentary deliberation and control. The patient acquiescence of so large a majority in both Houses, under the repeated disgraces, in which the pursuance of that object had involved the country, could be attributed to no other cause than the necessity they found themselves under of supporting the minister at all events, or of abandoning a favourite war, connected in some measure with their political prejudices, and in which their passions had been artfully and successfully inflamed. But the event, alluded to above, having cut up from the root all hope of subjugating the revolted colonies, in the minds even of the most sanguine adherers to that system, it was not to be expected they would so readily overlook the errors, or connive at the misconduct of those under whose mismanagement they had reaped nothing but mortification and disgrace.

"What effect an event of such magnitude would produce in the councils of government, was looked for with an uncommon degree of anxious expectation. The ground on which ministers stood, was known to be extremely slippery and dangerous. The prosecution of the American war was generally understood to be the tenure by which they held their offices from the court. To abandon the war, was at once inevitably to forfeit the support of that secret influence, of which they had too long experienced the effects to be ignorant of its power. To venture to look that power in the face, to bring a full exposure of the state of affairs before the public, and to stand on their own merits, was an experiment which more fortunate ministers might have thought too hazardous to be lightly risked.

"It was this view of affairs which appears to have directed administration in the first step that was necessary to be taken at the opening of the sessions, on the 27th day of November, 1781." Annual Register.

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will, I am persuaded, resume the prosecution of that important deliberation with the same spirit and temper in which it was begun, and proceed with the same attention and anxiety to consider how those remote provinces may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best promoted.

"Gentlemen of the House of Commons,

"I will order the estimates for the ensuing year to be laid before you. I rely on your wisdom and public spirit for such supplies as the circumstances of our affairs shall be found to require. Among the many ill consequences which attend the continuation of the present war, I most sincerely regret the additional burthens which it must unavoidably bring upon my faithful subjects.

"My Lords, and Gentlemen,

"In the prosecution of this great and important contest in which we are engaged, I retain a firm confidence in the protection of Divine Providence, and a perfect conviction of the justice of my cause; and I have no doubt but that, by by the concurrence and support of my parliament, by the valour of my fleets and armies, and by a vigorous, animated, and united exertion of the faculties and resources of my people, I shall be enabled to restore the blessing of a safe and honourable peace to all my dominions."

Debate in the Lords on the Address of Thanks.] His Majesty having retired,

Lord *Southampton* rose, and began with apologizing that it should fall to his lot to take the first notice in that House of the melancholy catastrophe which had happened to the gallant earl (Cornwallis) and his army in Virginia. He paid the highest compliments to the earl's bravery and good conduct, as well as for his having surrendered on capitulation, in a moment of great exigency, and thereby prevented his army from becoming a sacrifice to the sword, which must have been the inevitable consequence of his standing out longer against a force every way so much his superior. After dwelling a short time on this melancholy circumstance, he took occasion to observe, that it ought not to make too deep an impression on the minds of their lordships, seeing that their example would naturally be looked up to by the rest of the kingdom, and the moment of calamity was by no means the moment for a great people to give way to despondency. His lordship then called the attention of the House to the present prospect of our affairs in India, and argued, that if our arms had been less successful in America than the justice of our cause was entitled to, it was some consolation to find, that the case was different in another quarter of the globe. He summed up his speech by earnestly exhorting the House to recollect, that the eyes of all the world were turned upon their lordships, and that it depended on the proceedings of that day to shew mankind in general, that the people of England would not tamely submit to the dismemberment of their empire; but, like their prince, professing true magnanimity of mind, derived fresh ardour from affliction; and that increase of danger and difficulty only added to the energy of their exertions. His lordship concluded with moving the following Address:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

"It is with equal concern and indignation, that we see the war prolonged by that restless ambition which first excited your Majesty's enemies to commence it, and which still continues to disappoint your Majesty's earnest desire and diligent exertion to restore the public tranquility.

"We acknowledge, with the sincerest and warmest gratitude, your Majesty's wisdom and constant attention to the real welfare of your people; equally conspicuous in your earnest desire of peace, and in your fixed and unalterable resolution, never to sacrifice, either to that desire, or to the temporary ease and relief of your subjects, those essential rights and permanent interests, upon the maintenance and preservation of which the future strength and security of this country must ever principally depend.

"We feel great satisfaction in the favourable appearance of our affairs in the East Indies, and the safe and prosperous arrival of the numerous commercial fleets of these kingdoms; but we regret, that in the course of this year your Majesty's assiduous endeavours to guard the extensive dominions of your crown, have not been attended with success equal to the justice

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and uprightness of your Majesty's views; and we lament that the events of war have been so unfortunate to your Majesty's arms in Virginia.

"We are gratefully sensible of the parental solicitude your Majesty has shewn for the general happiness of your people, in the endeavours your Majesty has used to extinguish that spirit of rebellion which our enemies have found means to foment and maintain in the colonies; and to restore to your deluded subjects in America, that happy and prosperous condition which they formerly derived from a due obedience to the laws; and we beg leave to assure your Majesty of our firm concurrence and assistance to frustrate the designs of our enemies, equally prejudicial to the real interests of America and to those of Great Britain.

"We will, without loss of time, resume the deliberations upon the state and condition of the British possessions and revenues in the East Indies; will carry it on with the same spirit and temper in which it was begun, and proceed with the same attention and anxiety to consider how those remote provinces may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best promoted.

"Firmly resolved to decline no difficulty or hazard in the defence of our country, and for the preservation of its essential rights and interests, we shall continue to give our most hearty concurrence and support in prosecution of the great and important contest in which we are engaged.

"We rely upon the protection of Divine Providence in so just a cause, and fully trust, that by the concurrence and support which we shall most cheerfully give, by the valour of your Majesty's fleets and armies, and by the vigorous, animated, and united exertions of the faculties and resources of your people, your Majesty will be enabled to disappoint the ambitious designs of your enemies, and to restore the blessings of a safe and honourable peace to all your dominions."

Lord *Walsingham* rose to second the motion made by the noble lord. He entered into the state of the country, and justified the measures which led to it, somewhat in detail. In order to take a fair view of the question, he was ready to acknowledge, that the political hemisphere seemed overcast, and that public affairs wore the most alarming aspect. He was ready to admit, that the most formidable combination this country ever saw had, from different motives and with different views, confederated themselves for the destruction of the empire. But then, however alarming this might appear, it would point out to their lordships, the necessity of a most vigorous and spirited resistance, because it would clearly shew that the whole was pointed to our destruction. He exposed the principles upon which the different parts of the confederacy were acting; viz. your own fellow-subjects fighting for independence under foreign assistance: France protecting them against the faith of treaties and the declared law of nations: Spain without a shadow of complaint throwing her weight into the scale; and above all, he regretted with the most real concern the loss of our ancient and natural ally, Holland, that she should forget her former policy, and act so inconsistently with those mutual engagements which had so long bound the two countries. Such being the motives on which those different powers had acted, and such the ultimate objects which they had in contemplation, it would, he presumed, be extremely unnecessary to trouble their lordships with arguments calculated to exhort them to the most steady and vigorous measures, in endeavouring to defeat the joint attempts of so dangerous a confederacy.

His lordship having fully discussed this part of his subject, added several auxiliary arguments, and pointed out the absolute necessity there was for agreeing with the Address. If parliament should hesitate to co-operate with his Majesty, agreeably to the sentiments delivered from the throne, what would, in all probability, be the consequence? Allowing, for argument sake, that it might be thought expedient to discontinue the war in America, and declare that country independent, would that answer any beneficial end? No; but it might be productive of the most fatal mischiefs. The people of that country, at least the governing power, would feel themselves bound by recent obligations and the performance of solemn treaties; they would give a trading preference to France, in the sale of all their valuable commodities; so that whatever we might obtain through the medium of commerce, would probably be of an inferior quality, and perhaps at an advanced price. Under such circumstances, we could expect to

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derive very little advantage, in the way of commercial intercourse, with America, so long as she should continue under the obligation of treaties with France. Naval stores were the great staple of America. It would be in the power of France to obtain a monopoly of that trade in her favour, which would give France such means of forming a naval power, and of cutting off our naval supply of stores, as must, sooner or later, terminate in the annihilation of the British marine.

He wished their lordships would direct their attention to the probable fate of the West India islands, to our most valuable fisheries, and to every one object which served to add to our maritime strength and commercial greatness. It was not only the immense returns we received from those islands annually; it was not merely the quantity of fish that was caught and sold, but it was the shipping and vast number of mariners employed. Those proved the best strength of the nation. That description of men would cease to exist when they no longer had employment, and of course our naval power and greatness would be at an end, and we should be obliged to content ourselves exactly with that situation which the great powers of Europe should think fit, through interest or compassion, to carve out for us. He would just add a single observation, that whatever nation possessed the dominion of the sea, would certainly give law in the East Indies; so that these two islands would gradually fall into a state of insignificance and national imbecility, more mortifying to a high spirited people than actual subjugation, where perhaps they might have exerted themselves as more than men, and when they fell left it upon record, that they had fallen gloriously in defence of their liberties and national independence.

He reminded the House, that the King had spoken of the trust that was reposed in him as the sovereign of a free people, that a share of that trust was also reposed in their lordships, and that they could not, consistently with that trust, sacrifice the interests of the empire to a peace, which would be short, even if attainable, and which would be impolitic, because it would go on the narrow ground of sacrificing the future to the present. He said, it could not be their interest, even if he could suppose it their inclination, to deliver themselves up to a blind despondency. He told the House, that whatever measures the necessity of the times would call for, whether peace or war, still the hands of government must be strengthened by assurance of support from that House: that no nation ever rose superior to her misfortunes by an abandonment of her fortitude and her cause: that no combination of powers ever in the history of times crushed one power, though one power had indeed often crushed many countries in combination with each other. He then took a view of the attempts of France in Europe. He held her up as a picture of disgrace there, rather than of triumph, for having made such boastings of the invasions she had projected, and of their fruitless effects; that with the combined fleets she had force enough at least to attempt something, and he drew some reflections on the probable want of harmony in their councils, arising from a separation of interests, which prompted them to return home *re infectâ;* and he spoke in praise of our policy, in keeping the force that was stationed off the Texel always bent upon its object of preventing the Dutch from making their voyage to the Baltic.

He then took a view of the favourable appearances of things, to which the Speech alluded, in the East Indies. He lamented, in strong terms, the Mahratta war. He described Hyder Ally as being under a necessity of abandoning the Carnatic. He pictured the Mahrattas as being completely invested by our troops from breaking on the Company's territories. He described Bengal as in a state of peace, and when some noble lords shook their heads, he explained himself as meaning at peace from foreign enemies, but not from internal dissentions, if they meant to allude to the different Zemindars, in whose hands the collection of the revenues was placed. He said, the Nizam would not, he believed, forsake the Company; that the French had not a settlement upon land whatever force they might have at sea, and that the Dutch were defenceless, and had not secured the affections or the obedience of their subjects. He then spoke of the East India committee, of which he had been a member. He paid many compliments to the gentlemen who composed it for their candour, their abilities, and their determined perseverance with which they had proceeded. He advised the House not to prejudge any of the parties, lest possibly they might have some of them in judgment at their bar.

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Before he concluded, he made one more exclamation against France, and upon the urgency there was of directing the whole British force against that marine—upon which there was a great cry of hear! hear! Yes, (said he) hence should be your principal object. She has been your principal object. You have been fighting France in America, and if you could have haply gained a victory over her, then you would have gained a greater point than if you had destroyed her fleet off the harbour of Brest. He conjured the ministry, whatever they did with the troops in America, never to recal the fleet from the American coast, because if they did, America had so much within herself the means of establishing a marine, that the commerce of all our islands would be effectually destroyed. But, he said, these matters were properly the consideration of the executive government. He condemned the policy which had prevailed of late years, of taking away the responsibility of the executive power, by throwing every thing into parliament. He said it was unconstitutional to do so. He said, all parliament had to do was to promise support, as the Address proposed, in general terms, for the prosecution of war, without pointing out the mode of carrying it on.

After making several more observations, he exhorted their lordships to call forth that vigour of spirit which, he trusted, still remained unabated in this country, because it had never been exerted in vain. Disagreeable as the prospects were, there were instances recorded in history, when public affairs wore a much worse aspect; and how did we surmount them? not by doubts and apprehensions approaching to a fatal despondency, but by the most active exertions and the most consummate resolution. By such means we had hitherto triumphed and defeated the deep-laid schemes of our enemies; and although, by resorting to the same means, and adopting a similar conduct on the present occasion, he could not flatter himself that the event would prove equally successful, yet he knew not in what other manner it would be feasible for us to act. The fate of lord Cornwallis was to be lamented as a public loss, and no man who was acquainted with his lordship's eminent abilities and general character, but must feel for him as an officer, and his gallant army. He concluded with hoping that their lordships would agree to the Address.

The Earl of *Shelburne* began with saying, he was not surprized by the opinions and sentiments expressed by the two noble lords, nor at the language they had that day listened to from the throne. He could easily account for a prince, possessed of a valorous and generous mind, gathering firmness from misfortune, and assuming an air of dignity and determination in the moment when calamity pressed hard upon him and his people. He could easily account to himself, why his Majesty, who had seen his empire at its acme, at a pitch of glory and splendor, perfectly astonishing and dazzling, tumbled down to disgrace and ruin, with a degree of precipitation which no previous history could parallel, should rise in greatness of mind superior to the dreadful situation of his affairs. As little was he surprized that ministers should take advantage of the noble sentiments of their monarch, and contrive and fabricate such a speech as should best flatter his personal feelings; but it was to be remembered, that those ministers had never governed long for the people's advantage in any country, who had not fortitude enough to withstand the mere impulse of their master's sentiments, when the real state of an empire called for a plain, sincere, undisguised representation of its condition, and honestly tell him what really was or was not advisable, or likely to retrieve his affairs, and bring them back again in some tolerable degree to the happy and prosperous condition in which they so lately stood. It had been usual to treat the speech from the throne as the speech of the minister, but whether in fact, the sentiments they had just heard were the genuine sentiments of his Majesty, or the language which the minister had put into the royal mouth, he should proceed to give his opinion upon it exactly as it struck him.

His lordship then proceeded to examine the Speech, and declared it appeared unaccountable to him how the situation of our affairs in India got into it. He listened with great attention to all that had fallen from the two noble lords who had supported the Address, to find if he could gather any new light upon the subject; but nothing they had said, and he would be bold to say, nothing that either of them could advance, would serve in the least to clear up the mystery. He would take upon him to assert, that government were in possession of no authentic information on the subject, nor were they able to pro-

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duce any account that could warrant that House in supposing, that our affairs in India were in a condition to be boasted of. The abominable peculations and abuses that had been practised there by those in power, were a scandal and a disgrace to ministers, who ought long since to have applied a radical cure to the evil, and effectually prevented a continuance of practices that had loaded the British character with infamy. The noble lord who spoke last told the House, that Hyder Ally was repulsed, and that our arms under the conduct of sir Eyre Coote had been crowned with conquest. Supposing these facts to be true, what did they amount to? He was well assured, and he spoke from authority that might be depended upon, that such were the damages done to the Carnatic by the irruption of Hyder Ally and his enormous quantity of cavalry, that it could not be retrieved in a great number of years. The noble lord spoke of the province of Bengal, and of the East Indies, being a mine of resources to this country; he had waited to hear something of the Bengal treasury, but not a syllable upon the subject! The fact was, there was not a single shilling there, and the territorial revenues in the East Indies, for want of proper management, so far from being a mine of resource, would prove a heavy burthen to this country; the expences of the government, of the forces there, &c. being obliged to be sustained at an immense cost to Great Britain. The noble lords talked of our resources, and both they and the minister's speech had pointed out the East Indies as the proper place to draw them from; he would take the liberty to excite the attention of their lordships to facts and places nearer home; and first, let them recollect the material events of the war. We had now been thirteen years engaged in it, for so long ago it was (at a time when he had the honour to be in office), that a question arose on the subject of sending two regiments to general Gage; he was perfectly in the recollection of some of his then colleagues in office, that he delivered it as his opinion, they should be sent with a discretionary power to general Gage, to keep them, if occasion rendered it absolutely necessary, but otherwise to send them back. His colleagues in office were of opinion, that they should stay at all events in America; he was overpowered, and they went. At that time he predicted the fatal events that ensued. It was now seven years since blood was drawn in America, (for it was in 1775 that the affair of Lexington and Bunker's-hill took place), and let their lordships pause a little upon the events that marked the progress of the war! He mentioned the capture of Mr. Burgoyne and his army, and imputed the public misfortunes to a want of system, of combination, and intelligence, which, he said, particularly characterised it from beginning to the end. He declared, we had all through been following the French, and giving them the advantage by that means. That as soon as we heard they were sailed with a large force on an expedition, we followed them with a small one, and scarcely ever arrived till the business they went upon was executed. This, he asserted, was the case in the Chesapeak. Not that the Chesapeak was merely where lord Cornwallis had been captured. We should immediately almost, if the war was continued, with the same want of system and combination, as it had been, have another Chesapeak at Jamaica! another Chesapeak at Barbadoes! another Chesapeak at all our West India islands! nay, he expected to see another Chesapeak at Plymouth, and should not wonder to find a Chesapeak in the river Thames! He stated the periods at which France and Spain had broke with us, and said, that last year was marked by the phrenzy of our going to war with our old natural friend and ally the Dutch. He called it a war of perfidy and of breach of faith; he said, as the measure was concealed till the moment of its taking place, he thought that ministers had determined in that case to do something great, something important, something to recompence the loss of reputation incurred by so shameful a surprise. For his part, if he had ever determined on being a rogue, he would at least have shewn himself an able rogue, and have done some deed great enough to bear out his perfidy; when ministers, therefore, broke with the Dutch, he supposed at least, that they had sent to seize on some of the spice-islands, Ceylon, or some other important place. But what had they done? Taken St. Eustatius! He appealed to the House whether, when that matter was debated last year, he did not say the capture of St. Eustatius would prove the worst job of the whole war. His prediction had been fully verified. It was said by ministers, that the taking of St. Eustatius would put an end to the rebellion; that it was the source of stores to America,

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and that the war would be finished by it. Was that the case? On the contrary, was not the reverse directly the consequence? Our admiral and general who took the island had ten times better have burnt the stores they found there than have done what they did with them. They sold them to go in neutral vessels, so that they fell into the hands of the very people from whom it was pretended they were to be kept. Perhaps there was a verbal condition, that those who bought them should not sell them to the rebels: but let their lordships consider what reliance could be placed on a verbal condition, that a merchant should not sell the goods he had purchased to the best advantage. When he said that the capture of Eustatius was a circumstance rather to be lamented than rejoiced at, he had spoken from good mercantile authority, acquired at the other end of the town, and the event shewed, that those men whom he had talked with upon the subject, were perfectly right in their conjectures. For his part, he solemnly believed the capture of lord Cornwallis was owing to the capture of St. Eustatius.

The Speech and the Address talked of prosecuting the war: how was it possible? Where were the resources? With regard to men and money, to say nothing of the conduct of the Admiralty, and of the army and navy, where were they to be had? From living in the country, he knew that a single recruit for any of the old regiments was scarcely to be obtained on any terms. Our navy too, if we had the best First Lord of the Admiralty, and the ablest Board that ever sat, was impossible to provide for all the distant services of so extensive a war; and the reason was obvious, the fine navy that belonged to Great Britain at the conclusion of the last war had been suffered to rot and moulder away, while France and Spain had been recruiting and repairing their navy during the whole of the peace. With regard to money, the last loan of 12 millions cost the country 21, so extravagant were the terms on which the money was borrowed! The war had already added 80 millions to the national debt, and before the next campaign was over it would amount to 100, so that, in fact, we should have double the interest of the national debt to pay without the smallest prospect of peace. With regard to allies, where were we to look for them? There was one power indeed in Europe, the amiableness and greatness of character of whose sovereign, as well as his immense resources, added to his great predilection for this country, pointed him out as the only power that could interfere to our advantage; but to his certain knowledge, the prince to whom he alluded, regarded the present war as a mad and desperate war for Great Britain to have undertaken and engaged in. Before, therefore, their lordships acceded to an address that pledged them to prosecute the war with vigour, he hoped and expected that ministers would stand up and declare that they had resolved on an entire change of system; that they had resources to which their lordships were strangers; that they meant to imitate the king of Prussia, by founding all their proceedings on strict justice; and that the war was to be conducted on a plan that had something more like wisdom, combination, and knowledge, for its basis, than any thing that had hitherto appeared in their conduct.

His lordship complained of that method of doing business in parliament, which, he said, ministers had lately adopted. He did not understand postponing the meeting till just before Christmas, merely to hurry through the Money Bills, and then adjourn, any more than he approved postponing the consideration of all material national topics in parliament after Christmas, till just upon the summer recess, when most of the country gentlemen were out of town, and there was great difficulty in getting together a tolerable House to do the business.

His lordship here entered into explanatory observations in order to elucidate his general assertions. He contrasted the money borrowed and funded with the effects of each successive campaign. This ill-fated war, his lordship observed, commenced in 1775; no money was borrowed that year, because ministers were fearful of alarming parliament and the nation with the prospect of any additional expence. Blows began, and the fields of Lexington and Bunker's-hill were the first witnesses to the deplorable fight of Englishmen and fellow-subjects shedding each others blood. The campaign of 1776 commenced with the evacuation of Boston, and terminated with the affair at Trenton. That year we borrowed two millions. That of 1777 was distinguished chiefly by the capture of Philadelphia, and defeating the Americans in two pitched battles; but how was it wound up? by the capture or loss of 5,000 of our finest veteran troops, commanded by general Burgoyne. That year

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we borrowed five millions. The campaign of 1778 opened a new scene in Europe and America: France declared against us; America was, by that means, for ever separated from the parent state. Philadelphia and Rhode Island were abandoned or evacuated; and the debt incurred that year was seven millions. The campaign of 1779, in America, was various and rather successful, but exhibited nothing decisive. We gained ground in the southern provinces, but were unequal to the making any attempt in the northern or middle colonies, where only the resistance was or could be formidable. This year produced another powerful enemy in Spain, who declared against us; and this year we borrowed ten millions. The campaign of 1780 was ushered in with the capture of Charles-town, and was followed by some signal advantages gained in the interior country; but it ended unfavourably with the total loss of a very valuable corps under colonel Fergusson; and that year we borrowed 12 millions. It would be taking up too much of their lordships' time to particularize the transactions of the year 1781. It was sufficient to observe, that the campaign ended with the capture of 7,000 of the best veteran troops in Europe and their gallant commander; that we had scarcely a foot of ground in America which we could, with confidence, call our own; and, that this year, as the last, we added 12 millions more to the national debt.

The question of continuing the American war, he stated to be a most weighty one, and a question which ought not, by any means, to be hastily decided upon; in order, therefore, to give due time for considering it with proper attention, he declared, he had drawn up a motion, which he would read, and which was as follows: To leave out all the Address, after the second paragraph, and insert these words: "And we will, without delay, apply ourselves with united hearts to prepare and digest such councils to be laid at his royal feet, as may excite the efforts, point the arms, and command the confidence of all his subjects." He said he had drawn up his motion in the most moderate and inoffensive terms possible, with the hope that it might meet with their lordships' unanimous concurrence; at the same time a few words would be necessary for him to say in apology to those noble lords with whom he had been accustomed to act, in order to obviate any objection that they might take at his offering so cold and temperate an amendment; and first, he begged them not to consider him as meaning by any means whatever to compliment ministers, or shew the least approbation of their measures respecting the American war, every one of which he had so uniformly and so decisively condemned. So far was he from having any such intention, that he declared, if any one lord would move a motion reprobating the conduct of administration in the strongest manner, he would give it his hearty support. His lordship quoted the saying of the earl of Chatham in that House some years since, when speaking of the measures which were at that time pursuing; the earl said, "that though he would not take upon him to declare, that if the system then adopted was persevered in, his Majesty would lose his crown; he would say, it would precipitate his affairs into such a state of ruin, distraction, and calamity, that his crown would scarcely be worth his wearing." This situation, his lordship said, was now approaching with rapid strides.

The Duke of *Richmond* said, that he agreed in almost every argument and position of his noble friend. The second paragraph of the proposed Address, his grace thought was exceedingly exceptionable. In that paragraph it was stated, that the House lamented that the "restless ambition of his Majesty's enemies prolonged that war which it had occasioned;" this assertion appeared to him to be altogether unwarrantable and ill-founded, for he verily believed that the King's ministers, and not the restless ambition of his Majesty's enemies, were the cause, not only of the war, but of all the calamities that had followed one another so fast, almost from the commencement of the present reign. We owed the dreadful and disgraceful situation of our affairs to what many a man owed his private misfortunes; to folly. It was to that wretched system of government which had been early adopted in the reign of his Majesty, and which first gave rise to that abominable title, that odious distinction, called "a king's friend," as if a man could not act in opposition to the measures of government without being a personal enemy to his Majesty. His grace applauded the proposition of the noble earl, and said it was the duty of their lordships to suggest salutary advice to the crown, and to stand up as assertors of the rights of the people, but that he thought there was little pros-

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pect of giving that advice with any effect, unless the original principles of the constitution were restored, and, particularly, the people had a real representation in the other House of Parliament. At present, scarcely a seventh part of the people were represented, while all the remainder had no concern whatever, either virtually or individually, in the management of their own affairs, which their lordships well knew the constitution of this country, as originally framed, gave them a right to have. He appealed to the House, whether many of their lordships did not name the members for several boroughs, and whether the representatives were not chosen only by the management of two or three burgesses? Was that the sort of representation designed by the constitution? Undoubtedly it was not. When this matter was reformed, his grace declared he should hope to see the country in a way to regain somewhat of its former greatness, but there were several things which he should advise as steps to success equally necessary; and first he should wish ministers to consider themselves as somebody, and to have a communication with each other; in short, so to act together, and in a manner which should appear to arise from concerted judgment and comparative opinion. At present, the country was governed by clerks, each minister standing upon his single footing, and confining himself to his own office; the consequence was, there was no responsibility, no union of opinion, no concerted measures, but, in the stead thereof, disunion, weakness, and corruption. The interior cabinet, he declared, had been the ruin of this country. To prove its mischievous tendency, he instanced the declaration of the earl of Chatham, who had said in that House, "that on his last coming into office, when he entered the King's closet, he found his ground rotten, and that he had been duped and deceived." He next observed, that his wish would be to change the system of the war, to carry it on defensively, and not offensively. The great error was, we had acted upon the offensive, without the power to do so with any effect; by changing it to a defensive war we might recover, and by and by be able to act upon the offensive. And he begged the House to understand, that by a defensive war, he meant to advise a war by sea; to strengthen our navy, the natural security of the kingdom, and to lessen the army. His grace declared, though it was the middle of a war, he made no scruple to recommend it most strenuously to government immediately to set about diminishing the army; and that as much as possible. Ireland, he thought, might be guarded sufficiently by the volunteers, and this country by the militia, if put upon a proper footing. His idea was, that the country should be armed, and then they would prove a more powerful defence than any army, however numerous. He advised withdrawing the troops, and strengthening the West India islands; asserting, that if the Americans were left to themselves, there was the greatest probability that a reconciliation might in time be effected, and that they would by and by sue to us, and solicit our protection from the oppressions of the French, their present unnatural allies. By prosecuting the war, we only increased their animosity against us, and rivetted the bonds of their alliance with the French more strongly. His grace spoke likewise of the state of our fortifications at home, and said that a great deal of money had been most ridiculously wasted on new works, which, when finished, could be of no use whatever. He particularly instanced the lines at Chatham, which he declared, as a military man, were the most absurd and ineffectual that could possibly be devised, and yet they were erected at an immense expence. The thickness of the parapet was no more than seven feet, whereas every person at all used to fortification, knew that the proper thickness of a parapet, cannon proof, was 18 feet. Such mere paper works would be knocked all to pieces at the first fire, were guns brought to bear on them. After dwelling on these and a variety of other matters, the duke declared, if the motion was unsuccessful, he should not tire the House with the farce of debate this session; and at length concluded with moving, that the second paragraph of the Address, as originally moved, be omitted, and that it stand only the first paragraph, in order to make room for the introduction of lord Shelburne's amendment.

The Earl of *Westmoreland* supported the Address. His lordship began by quoting the Roman History to prove that much greater disasters had befallen the Romans in their wars than the loss of 6,000 men; and that always as their misfortunes increased, their exertions were greater; especially that they never thought of treating for peace immediately

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upon a defeat. He particularly instanced the loss of three armies in one war, and said, when Pyrrhus had gained a victory, and asked if his enemies would make peace, their answer was, "Give us back your victory, and we will treat for peace;" so ought this country to act. The late unfortunate disaster should operate as a spur to our vigour and to our exertions, since in the field only it could be repaired. In reply to lord Shelburne's remark of our having no allies, his lordship said, the insolent conduct of this country in the time of our prosperity was evidently the cause of our present want of allies.

The Earl of *Abingdon* observed, that the noble earl who spoke last had carefully selected his examples; but, as it was his business to do, he carefully abstained from referring to any passages in ancient history, which shewed that unwise counsels, weak or wicked measures, an injudicious exercise of the executive powers of the state, and an unrelenting, mad, blind, incurable obstinacy, had led to certain destruction every nation which had been so governed; where the prince was misled by those who surrounded him, where his ministers were incapable and unpopular, and peradventure wicked, corrupt, and servile to the wishes and desires of their master. If the noble earl had perused the vast folio of history, he would find ten thousand instances of nations being destroyed by evil and weak counsels, and an obstinate perseverance in them, for one like those which had the good fortune to bear up against the arduous struggle. All the great empires, sovereignties, and republics which were now no more, were controuled by the same unerring cause. Besides, if the noble earl wished to make his argument tell in debate, he should have completed his simile in all its parts. Did ancient Rome, at the period alluded to, resemble modern Britain? Were the foes she had to contend with, and the means of resistance the same? Was the war upon the borders of the Mediterranean like the present war, extended and now carrying on in every quarter of the globe? Was Britain virtuous like Rome? or had she enemies of the same size? In short, presuming the comparison to be applicable in every other sense, was there any one leading circumstance, which in the mind of the statesman or senator was sufficient to bear it out, in a manner suitable to the conclusion drawn by the noble earl, that at all events we should continue obstinately to persist in the prosecution of the American war, upon the plan, and for the purposes for which it was first set on foot; and which, after a series of attempts for seven years, had proved fruitless, and left us in a worse situation than at its commencement? He said, as his lordship seemed desirous to hunt for examples drawn from ancient history, he was sorry that a translation of Thucydides had not fallen into his hands; there his lordship might find some circumstances and events much more applicable to the state of Britain than those his lordship had mentioned, who would not then be at a loss for the most apposite similes, to every one step the British government have taken since 1774, nor of the events which such a conduct must, sooner or later, inevitably draw after it.—His lordship said a few words respecting the American war; he averred it was conceived in folly, tyranny, servility, and corruption, and must terminate in national ruin and disgrace. He observed, the Americans were Englishmen, and were of course intitled to participate in all the rights of Englishmen, the dearest and most valuable of which was, that of disposing of their own money. That unquestionable claim was expressly denied, or it was attempted to be explained away, by all the bar subtleties and trammelled abilities of Westminster-hall, in both Houses. On the other hand, if the political connexion was denied, if they were to be slaves, not subjects, then, surely, they were men, intitled to all the rights and privileges of human nature. Upon this principle, the people of America resisted. They legislated when they found themselves deprived of the rights of citizens; and in so doing, they acted with equal wisdom and resolution, and were now, in his opinion, a distinct and independent state, and as much so as any other in Europe or elsewhere.

The Duke of *Dorset* expressed his full approbation of the Address. He said, matters had gone to such a length that it was now too late to recede. If we hesitated, we must be undone; it therefore became our indispensable duty to proceed to call forth every power and ability resident in the state; to strain every nerve, and determine, as men and Britons, to persevere till we shall be able to effect an honourable peace; or if we must fall, to fall characteristically — with honour and glory.

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The Marquis of *Rockingham* spoke in favour of the amendment. He observed, the calamities we now felt, though they had been many years approaching, were not produced by any sudden or transient cause; they were the fruits of system and pre-determination; of a combination of views and motives, long and sedulously weighed and considered, but which could not be matured, nor carried into execution, till after a certain event. That event (the death of the late king) at length took place, and the system in a few months began to exhibit itself. It was a proscriptive system, a system of favouritism and secret government. On the demise of that good and great prince our public affairs were in the most prosperous situation. We triumphed over our enemies wherever we met them, and were successful in every quarter of the globe whither our arms were borne. We had a Pitt to direct our political machine. We had a Newcastle at the head of our finances. We had a Legge at the Exchequer, and an Anson at the head of our navy. They were not only able and upright men, but they were, what in this country, where the powers of government are divided and parcelled out, would be at all times of the greatest consequence, so long as the spirit and scheme of our constitution are faithfully adhered to—they formed a popular administration. They had the confidence and good will as well as the approbation of the people.

This formed one side of the picture: turn for a minute to the reverse. The men he had been describing were obliged to resign one by one. They perceived they did not possess the confidence of their sovereign, and with it, that species of power so necessary for carrying on the affairs of government with success. They retreated with a mixture of sorrow and disgust, as they could no longer retain their situations with honour, which made way for the appointing a nobleman of great private worth, he presumed, but whom from his birth to the time of his elevation to the part of first commissioner of the Treasury-board, had no opportunity whatever of making himself acquainted with public business. He should avoid detail, and content himself with one general observation, that henceforward every thing was conducted through the means of favouritism and secret influence; and the two or three short lived successive administrations, which were called by their sovereign to conduct the affairs of government, soon felt the weight of both, and when the necessary experiments had been made, and the strength of parties fully tried, then was the mask thrown aside, and the real system of 1760 fully developed in 1767, from which last period to the moment he was speaking, it had continued in full vigour, and was likely to do so till the effects had fatally verified the source whence they sprung, by, he feared, the total ruin of the country.

His lordship observed, that if he had no other objection to the Address as first moved, the passage objected to by the noble duke would have insured it his most hearty negative; where it is proposed, "to assure his Majesty that they see with concern that the war is prolonged by that restless ambition which first excited our enemies to commence it." Here he would, in the language of parliament, consider the Speech from the throne as the minister's, and as such he would, without reserve, venture to pronounce this charge as arrant a falsehood as ever was framed. The restless ambition so unjustly imputed to others ought to be traced to its true origin; to secret influence, to a lust of unconstitutional power; to an attempt to render America as servile and devoted as England had already proved herself; and, under the high sounding terms of unlimited rule and royal patronage, invite the sovereign to the adopting those fatal, pernicious counsels, which had already deprived us of America itself, and would probably end in the dismemberment of all the distant possessions and dependencies of the British empire. It was this species of restless, unattainable ambition, which was the cause of the war, as it still continues to be of its prolongation. At the time these unhappy disturbances broke out at Boston, we had not a single declared enemy in the world, nor for nearly 5 years afterwards, except the resistance made by our own subjects against the oppression and tyranny which we endeavoured to inflict upon them. At length, driven to the brink of despair, and preferring every other evil and inconvenience to slavery, they sought assistance from a foreign power. He concluded with declaring, that he would give his hearty assent to the amendment moved by the noble lord, and since amended by a noble duke.

The Earl of *Denbigh* said, he could not give a silent vote in the present criti-

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cal situation of our affairs. The noble earl who moved the amendment, had censured the capture of St. Eustatius, and called it an instance of perfidy. For his part, he saw the matter in a very different light; the war with Holland was a necessary one, and so far from being taken by surprize, the Dutch knew that war with England must ensue if they did not comply with her just requisitions. As to taking the island before the declaration, and by surprize, as the noble earl termed it, that was not the case; but if it had, where would have been the criminality of the measure? He was old enough to remember, that at the beginning of last war, previous to any declaration, we seized the French merchantmen, and it was then talked of as a most laudable measure, though we only got a little salt-fish and a few of the French seamen, whereas the capture of St. Eustatius was worth at least a million and a half to Great Britain. The ministry had been abused for the disaster that had happened to lord Cornwallis, when they were not to blame in the least. It was the executive, and not the ministerial branch of government, to whom alone any censure was imputable: and he would tell their lordships why he rested the blame there. Information was sent to the commander in chief of the army at New York, of the intended expedition of the French in the Chesapeak, so long ago as May last; it was repeated again in June and July, and he believed fresh information of it was sent so late as August last, and nothing was done in consequence to avert the evil that was impending. That gallant admiral, now at home, and who had performed more actual service than any other sea-officer this war, had sent word of the intended expedition from the West Indies to New York: and when he came away he ordered sir Samuel Hood to proceed with his fleet to the mouth of the Chesapeak, and wait there till admiral Graves joined him, in order to prevent the French fleet from entering the Chesapeak, and effecting their design. Sir Samuel arrived at the mouth of the Chesapeak with his squadron, and dispatched a frigate to admiral Graves, to let him know he waited for him; he continued there nine days, but was not joined; when, tired with waiting, he looked into the Chesapeak and the Delaware, but saw neither friend nor foe; he then sailed to New York. His lordship said farther, that admiral Graves did not take all our ships with him when he engaged M. de Grasse, but left one behind him. He added, that by mentioning these particulars, he meant to impute blame to no man, only to clear ministers, who had been unjustly accused. Probably the commanders in chief by sea and land, in America, had very good reasons for what they did. All he wished for was an enquiry; a full, fair, and serious enquiry into the real cause of the disaster. The public had a right to have so capital a loss accounted for, that they might know where the blame lay. He thought the American war ought to be prosecuted: the loss of four, five, or even six thousand men, did not weigh with him sufficiently to induce him to alter his opinion upon the subject; he therefore gave the original Address his hearty support.

The Earl of *Derby* said, he did not intend to have troubled their lordships that day, but he rose to express his astonishment, mixed with no small degree of indignation, at hearing a Speech from the throne, and an Address moved upon it, without one minister or person in responsible office rising to avow their support of the one or the other. The noble lord (in place, indeed, but no minister) who spoke last, had spoken out, and said very material things, for which he returned him his sincere thanks; but why ministry themselves chose to be silent on such a day and on such a subject he was wholly at a loss to determine. His lordship imputed it to something lying concealed under the words of the Speech and the Address, and said it was a sign that our affairs were not merely in a bad state abroad, but that there was something bad at home. He declared, his Majesty was held in delusion, and that it was the especial duty of that House to take the bandage from his eyes, and by honest and wise counsels to assist in extricating him and his people from their present difficulties.

Lord *Stormont* endeavoured to justify the necessity of continuing the war. His lordship observed, that the Address was so excellent in itself, and so well supported by the noble lord who introduced it, that he did not deem it necessary to add his weight to enforce the necessity of it: but as he was called upon, he would say, that as the eloquence of noble lords was of the most wide extent, so their arguments on the present question took the most ample range. They talked of matters quite foreign to the present question. To

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offer advice to the sovereign in what manner the war was to be carried on, would be to open in parliament the whole intention of the campaign; and that was a matter, he trusted, which the wisdom of the House would never assent to. His Majesty spoke of peace as the wish of his heart. There could not be any noble lord to doubt it. His Majesty wished to support the dignity of his crown and to secure happiness to his people. There was no peer could think he meant otherwise. What, then, did the present amendment tend to? It could not be peace, because it mentioned the sword; and it should not be a discussion in the House of the plans of the war, because that would, where debate was open to all hearers, be attended with certain danger. His lordship then took up what was said about the Dutch business, and appealed to the House whether that had not already undergone thorough investigation. He said, as to the views of France, they were certainly for years past entirely swallowed up in different schemes to ruin this country; and as their league with America was that Congress should assist them in taking our West India islands, it would be flying in the face of common sense and common safety to put it in the power of the rebels to fulfil their engagements.—The present, his lordship observed, was not the time for despondency; on the contrary, it called for exertion and ardour. When he returned home from his long, but honourable banishment, (his embassy at the court of France) he found his country engaged in a most dangerous war. He then said what he would now confirm, that he thought Great Britain fighting for her very existence as a sovereign state. It was not a war of choice; it was a war of necessity. Would any noble lord wish the House to tell all Europe that their lordships could no longer co-operate with their sovereign, for the preservation, or indeed salvation of the state? As to the measure so frequently mentioned within and without that House, of withdrawing the troops from America, it was in his apprehension impracticable. The Americans were bound by secret treaties, and unless their lordships were contented to render up into their hands Canada, New York, Halifax, and our fisheries, they would vote for the Address.

The Duke of *Grafton* entered into a comparative state of the nation with what it was even at the breaking out of the war with France. He pointed out the vast sums which had been borrowed, for the payment of which every single acre of land in Great Britain stood mortgaged in perpetuity, or until the principal was refunded; but what was a much more melancholy consideration, the toil, labour, and industry of the lower orders of the people were necessarily responsible, and for the payment of the interest of which they must contribute out of their daily earnings. He said the present Address called for no commentary, it carried its import on the very face of it; it meant precisely this: a continuation of the American war, upon the same system, to be conducted by the same men. The amendment proposed by his noble friend gave him great satisfaction, which was farther heightened by the proposition of the noble duke, to introduce it at the end of the first, instead of the second paragraph. Had the second paragraph stood in the proposed amended Address, he must confess he should not rest so well contented, though he should accept of it with joy, in preference to the Address originally moved. It was evident, that the present measures were exactly the same with those which we had been pursuing for the last seven years, and which had brought us into our present perilous situation. The same men were to direct our commerce, they were to be the devisers and executors of those pernicious futile schemes of subjugation and ideal dominion, by which they were enabled all along to mislead their infatuated fellow-subjects. He would not compare the probability of success during the next campaign with those of 1776, 1777, &c. down to the day that lord Cornwallis was captured at York-town; but he would put this question fairly and distinctly to the most zealous supporter of the present measures, whether, in his conscience, he believed there was so good a prospect of making a successful campaign on the continent of America in the year 1782 as in any one of the years he had mentioned? If this argument was unanswerable, he would submit to their lordships, whether we should not court ruin, or rather insure it, under the circumstances described, by adopting the Address. His noble friend's amendment might effect a great deal: their lordships might have time to consider, and by investigation, approach to a closer view of our real situation: they might digest wholesome advice, and sug-

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gest more moderate, yet more effective measures.—The original blunder, and the source of all our subsequent misfortunes, arose from the obstinacy of administration towards the conclusion of the year 1775. Though two warm rencounters had taken place in New England, nothing more had been contended for by the people of America than an exclusive right to tax themselves: the people were in other respects firmly attached by sentiment and interest to the British government. Mr. Penn, who had lately presided as governor of Pensylvania, was called to that bar, and underwent a very long examination, the result of which was, that the people of America, from one end to the other, were eager to settle matters amicably with Great Britain, provided they had full satisfaction upon the point of taxation: indeed, he might add, that he never heard of but two in all America who entertained a different opinion, and one of those was a madman, and the other an ideot. Ministers disregarded this important information, and proceeded to the enacting proscriptive and prohibitory laws, which gave us the American vote of independence the following August, and a treaty with France in about 18 months after.—He thought it proper, now he was up, to be as explicit as possible with ministers, and to give it as his opinion, that no measures, however well conceived or digested, could succeed in their hands. Men must be changed as well as measures.

Earl *Grosvenor*. I love my king, I love the constitution of my country, and feel it to be my indispensable duty to both to agree with the amendment proposed by the noble lord. This country never was in a more awful situation than it is at present; nor in one that requires so much the dispassionate, the humble, the dutiful, yet firm opinions of the great hereditary council of the nation, to be laid at the foot of the throne.

The Earl of *Hillsborough* said, he hoped that the independence of America would never be admitted in that House, nor that a majority of their lordships would consent to a measure which, if it should be adopted, must prove the ruin of this country. This, he trusted, was the sense of a considerable majority of that House, and he hoped he should never live to see the day when a contrary opinion should prevail. America lost or abandoned—every thing valuable which we possessed as a great trading and maritime nation must shortly follow. Were noble lords ready to say, make a separate peace with America? Was that practicable? Were noble lords prepared to beg for peace from France? He was confident no true Englishman would so far degrade his character, as to submit to such base and pusillanimous conduct. Was it to be a defensive war, or an offensive one? He believed no man had so far made up his mind as to venture to give his opinion one way or the other. What, then, was to be done, under such a variety of difficulties, where nothing could be decided upon without manifest danger or more manifest absurdity? In his opinion, the Address obviated all those difficulties. It promised support to the crown in the warmest terms of zeal and fidelity, avoided any specification of measures, and left parliament at full liberty hereafter to interpose and offer its humble advice if they should deem the same necessary.—His lordship observed, that the favourable turn our affairs had taken in the East Indies had been treated with an air of ridicule, both on account of their supposed insignificance, and the presumed merit which had been taken in the Speech on that account. He begged leave to differ from those noble lords on both those points; and concluded that their error had originated in misconception.: the truth being simply this, that our affairs in that country wore the most unpromising appearance. General Baillie and 4,000 of our veteran troops had been cut to pieces or captured by Hyder Ally. Sir Hector Monro was obliged to make a precipitate retreat to Madras, and the whole Carnatic had been laid waste by the enemy; but by the latest and most authentic accounts from that country, sir Eyre Coote was at the head of a numerous, well-disciplined army, and colonel Carnac had given Hyder Ally a most complete defeat, killing 8,000 of his men, which signal victory had been followed by many important advantages. This was the contrasted state of that country at two periods not very far distant; and if as yet there were no accounts from thence sufficient to balance our disasters in the western part of the globe, he must repeat, that the turn our affairs had taken in the East Indies was a circumstance of considerable national importance and good fortune.

Lord *Camden* said, when he attended in his place, he really did not mean to rise that day to give his sentiments; but there was something so novel and so extraordi-

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nary in the language of ministers, and the other noble lords who supported the motion for an Address, that he could not content himself with giving a silent vote. There was nothing, in his apprehension, ambiguous in the Address proposed, but there was something dark, lurking, and concealed under it. The substance was not altered, but the arrangement and language was; for the noble lords in responsible situations, who spoke, held a kind of double language. The Speech and Address, said they, do not contain a syllable relative to the American war; but in the next sentence they present the House with a series of reasons and arguments to demonstrate the necessity of prosecuting it. In what light, then, was he to consider the Speech? Most certainly as that of the minister and his colleagues in office. Who, then, were we to look to for the execution as well as planning of future measures? The very same persons who had directed the affairs of this country for the last seven years. This Speech came from the very same shop, and was forged by the very same men, who had hitherto deceived and disgraced us. Were they fit to be longer trusted, and the usual confidence placed in them? If there was a noble lord who would rise and say so, he would sit down contented. The men who had the direction of public affairs, had most clearly proved themselves incapable of the task. They acted weakly and injudiciously from the beginning, and never in a single instance conceived what was the great object of the contest they were engaged in. When the war first broke out in America they wanted system, and were totally destitute of plan or combination. They sent out their troops in single regiments, or two or three at a time, and when they arrived, they had nothing to do but to act upon the defensive, or remain with their hands across.

He mentioned these particulars, merely to shew that in the earliest and most simple stages of the business, before objects multiplied and difficulties started up, ministers were totally unequal to devise any plan worthy of the cabinet, or likely to succeed in the field. When he said this, he hoped it would be understood; having so often given his sentiments on the rise and progress of the American war, that he looked upon the idea to be founded in oppression, tyranny, and injustice; that it would prove impracticable in the execution; and ruinous and mischievous in the consequences. He thought it his duty, as a member of that House, called upon to give advice to his sovereign, or those who were delegated by him to carry on the business of government, insignificant as he was, to point out the leading errors which had so strongly conduced to bring this country into that calamitous state in which we now confessedly were. The errors he alluded to were, the total neglect of our navy, which every tongue would echo was the basis of the strength and security of this country; and the injudicious employment of our military force of all kinds. We had been three years at war with America, and had the two last made some considerable naval augmentations, in order to enable us to carry on the new predatory war against the floating and other mercantile property of our then subjects in America, and for the purpose likewise of convoying troops and protecting our trading and other vessels from the American privateers. Such, he believed, was the state of our marine force, when France early in 1778 declared herself an ally to the colonists.

But, unhappily, those whose duty it was to see that our navy was upon a real respectable footing, neglected it. In fact, our navy was suffered to go to ruin. It was not that we wanted the means, but the means were totally disregarded. Yet before he urged this argument farther, he thought it incumbent upon him to assign one reason, which, if it was not the sole cause, operated most powerfully in producing the lamented effects. When France declared, the American war was a favourite war: it engrossed the whole attention of ministry, the parliament and the nation. There might be some apology, so long as we had nothing to contend with but American resistance; but, in fact, so far as the navy was concerned that apology could not hold; for there was scarcely a man in England of any information at all, who was ignorant that France, from the beginning of the year 1776 or earlier, was endeavouring, with all possible vigour and dispatch, to set on foot a marine that should within a very few years be able to cope with that of Great Britain.

But if the American war was a favourite war at the commencement, and during part of its future progress, the moment arrived when it became the height of madness and folly any longer to consider it so. The moment he alluded to was the day the French minister deli-

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vered the rescript by the direction of his court. From that instant the American war ought to have been an object of secondary consideration, and that of restoring our navy the first. And here he thought it proper not to confound the two neglects or inattentions. France had been forming plans of naval power from the very commencement of the peace, and though she proceeded slowly, she proceeded agreeably to system, while ours was totally neglected. Where ministers were most singularly to blame was, not to watch the motions, buildings, and preparations going on in the French dock-yards for the eighteen months previous to their pulling off the mask, and to take care that we had such a superiority of force as would be sufficient to keep them in awe. If this circumstance had been properly attended to, he believed France would have hardly ventured publicly to declare herself, whatever private assistance she might have given to the people of America. But when France did declare, what was the real state of the case? To the astonishment of all Europe, France had a western squadron superior considerably to that of Great Britain, and detached eleven sail of the line under D'Estaing to co-operate with the Americans, in an attack upon New York, whither the principal British army had recently retired from Philadelphia. He did not think it necessary to enter into the events of that campaign; all the use he wished to make of the facts alluded to, was to convince their lordships that they had been discussed and fully confirmed by the noble earl at the head of the admiralty himself. He remembered perfectly well, that on pressing his lordship upon delaying the departure of the squadron under the command of admiral Byron, in order to be time enough to counteract the designs of D'Estaing, his lordship's answer was, "that the cabinet debated the matter for three successive days before they could come to a decision. The question being on one side, whether it would be prudent, the French having so formidable a squadron collected at Brest, to weaken the home defence? or whether the necessity of preventing New York from falling into the enemies hands, while it sustained a land attack from Washington, and from the sea by D'Estaing, ought to prevail? The option was at length made, and admiral Byron was detached." Now, if ever there was an explicit public acknowledgment of the weakness of our naval force, and that by a first lord of the Admiralty, surely this must be deemed so, and farther confirmed by three days cabinet consultations, in which the noble lord frankly confessed they were never so puzzled how to act in their lives as they were on that occasion.

He would now resume his original argument, which was, that every other service was disregarded, or made as it were subservient to the grand object, that of the success of the American war. Even strange to tell! after France had publicly declared herself against us, and under circumstances unknown for upwards of fourscore years; principally emboldened to do so by the consciousness of being supported by a superior marine force; which actually was the case, as he had already proved from the most unquestionable authority, the naval minister himself, with the whole cabinet. But ministers were infatuated, or proved themselves totally incapable; for instead of all those excitements to an alarm, on account of the increasing naval power of France, having induced them to make the navy the first object of their care, it was made to render up the first place to the American war. Now even at this period, late as it was, much might be done towards repairing former blunders and omissions, and much might be effected, in various respects, to do away many of those mischiefs which we then began to feel most sensibly on every side; he alluded to the interruption of our commerce, he said, and that would always be an object of importance to the British nation. The truth was, that from the date of the French rescript being delivered to the moment he was speaking, ministers had palpably departed from the line of wisdom and prudence. From that day the augmentation and improvement of our navy ought to have occupied our first and most anxious attention, and the war in America be treated as an object of secondary consideration. This plan, as he had more than once observed, had been exactly reversed; America occupied the first place, and our great national bulwark, the navy of England, was left to shift in a great measure for itself, or trust to time, accident, or that species of necessity which the formidable armaments of our enemies created, for its principal support and protection.

No provocation was sufficient to rouse ministers to a sense of their duty or situation; the next year gave us another for-

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midable enemy in the person of the king of Spain; but it was all in vain. Ministers slept or acquiesced, and this country seemed to be devoted. America still claimed our whole attention. It must be conquered or subjugated at all events; and as soon as that favourite purpose should be effected, it would be time enough to annihilate, he presumed, the naval power of France and Spain. But besides the folly and absurdity, he would add the madness of such a conduct, he would endeavour, before he proceeded farther in his argument, to shew, that independent of every other consideration, this system of making the American war the first object of public consideration actually defeated itself. What was it, for instance, that gave us such an advantage over the Americans but our navy, the facility of transporting troops, of sending detachments, stores, &c. but the superiority of our ships of war, and the entire command it gave us of their maritime towns, coasts, and rivers. Apply this argument to France and Spain, and it came accompanied with every possible degree of conviction. The success of the American war must depend upon our power at sea. If our enemies should gain a superiority there, our land operations must be at an end. This would have been a very natural suggestion, yet it seems it never entered into the contemplation of ministers; but a series of facts had fully proved what they could not discover. France sent troops and ships to America, she meditated several attacks on such parts of their coasts as were possessed by Great Britain, and upon one occasion (he alluded to D'Estaing's attempt on Savannah), made a bold push, which for this country happily miscarried. This France dared not have done had we watched her early, or when she pulled off the mask, had we not most unaccountably forgot, that we were a maritime power, and that our fame, consequence, and dearest interests exclusively rested upon our naval superiority. Without entering into farther particulars, it was sufficient to observe that the disastrous event, which lately happened at York-town, would have never taken place, had not our marine been so unwisely and shamefully neglected.

He might indeed push this argument much farther. He might quote that precipitate and ill-adopted measure, of declaring against Holland, and in the same moment commencing hostilities against her. That rash step likewise, inadequate as our naval force was, added so much to our distress and embarrassment, because it employed a certain quantum of force, which, for the reasons he had been giving, proved most fatal to the interests of this country—that very force, employed off the Texel, during the whole autumn, and he was to presume, during the ensuing winter, would have ensured us a decided superiority in the Chesapeak. He must ever lament that rash and unadvised act, as filling to the top the measure of our misfortunes. What were the fruits we reaped from it? a drawn battle, attended with great loss and damage in men and ships, and the capture of St. Eustatius. He wished he could for ever obliterate that disgrace to Britain from his memory. In a time of profound peace between the two nations, without any preceding declaration, we seized one of the Dutch islands; but what more? we seized private property of every kind, no matter whether belonging to friend or foe, and confiscated it without reserve or remorse. It had been the language of some politicians, that necessity must on some occasions supersede justice. We will seize and confiscate, say they, because the interest of the state requires it; but, unjustifiable as this must always be, the proposition in the present instance was reversed; for, instead of seizing for the state, and applying the million and an half, or more, which had been captured, to enable us to carry on the war with more vigour, the whole had sunk into the pockets of a few individuals; by which means, our councils of every kind had all the dishonour and disgrace, while it was plain the state did not profit a single shilling. This matter had already undergone a very full discussion in that House, but still it made no difference in the real state of the question, farther than confirming the truth of what had been so strongly urged on the side of the House on which he had the honour to sit; and he made no doubt, that scarce a month would pass away without bringing farther confirmations of the same kind against the propriety of that measure. Among the rest, besides alienating Holland from us, it was not the matter least to be lamented, that it threw her totally into the arms of France; the Dutch were now upon terms of the closest amity; and if he was well informed, the French flag was flying at the Dutch settlement of Ceylon, as her avowed protector against any attempts Great Britain might meditate against her

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dominions. It was hardly known, at least ministers seemed to be totally ignorant of it, that almost every power in Europe which had not declared against us were nevertheless in a state nearly approaching to actual hostility; we were completely shut out of the Baltic for any purposes of war, or any of the advantages which might result from preventing our enemies resorting thither, or encountering them when we met them there. This was not all: by the new maritime code promulged by the empress of Russia, and since acceded to by all the northern crowns and the principal members of the Germanic body, we were totally precluded from availing ourselves of any of the natural or acquired advantages of strength or situation. "Free bottoms," says this new code, "make free goods;" and if Great Britain offered to infringe upon this maritime decree, then she might expect to be called to an account, and compelled to make satisfaction to the party aggrieved, at the risk of having the whole armed confederacy to contend with.

He would return to the subject which principally induced him to rise, namely, to give his opinion as a member of that House, respecting the leading causes of our miscarriages, and the most probable means of restoring the conduct of our affairs to system and uniformity; to quit those fatal paths into which we had unhappily deviated, and by prudent sound councils endeavour once more to gain the right road. This was not, in his opinion, to be effected, but by adopting a directly contrary conduct to that which we had hitherto fatally pursued. His advice would be founded upon what he had so often alluded to in the debate; namely, if the American war must be prosecuted, to render it the under object, and bestow all possible attention to our navy, in order to restore its pristine respect, effective strength, and wonted superiority. Though his expectations were not very sanguine, he did not entirely despond. Though late, it was a trial in his mind worth making, and if it should fail, we must submit to Providence. Be the event what it may, he thought it his duty to give his opinion upon so momentous an occasion; and he hoped, if ministers declined to adopt any advice he suggested, they would at least profit by some of the observations he had made, which he flattered himself would not be controverted by a single noble lord on either side of the House.

His lordship said, he could not sit down without making a few remarks upon what he mentioned early in his speech, that if our navy was neglected, and the preference had been unwisely given to the American war, the force we had was injudiciously disposed, and ineffectually employed. Every thing was done or known too late, and our squadrons arrived generally at the places of their destination just after the enemy had effected their purpose, and a few days after they had departed. This was exactly the case relative to Dominica, the Grenades, St. Vincent's, and lastly Tobago. Our ministers, staggered and amazed, stood as it were senseless, with their hands across; they sought not, nor could procure information; they suspected that something was going on, and when it was too late, sent out a force to counteract it, precisely time enough to enable the commander on his arrival to furnish a dispatch for the London Gazette, giving an account of the disaster, and how extremely unlucky it was, that he did not arrive a week, a fortnight, or a month sooner.

It was needless to take a retrospective view of former campaigns, the present furnished the most striking examples. M. Du Barras thought fit to endeavour to interrupt the operations in the Chesapeak. Admiral Arbuthnot, apprized of this, pursued him thither; an engagement ensued, and as usual a kind of drawn battle. Well, the next account was, that admiral Hood being cruizing with 18 ships of the line off Martinico, met De Grasse with a force considerably superior; a battle was the consequence; the combatants parted by consent, and both returned into port. The next account received was, that the enemy were landed at Tobago, that the commander in chief, sir George Rodney, having put himself at the head of his squadron, as a preliminary caution, sends his rear-admiral with four or six ships of the line to learn what the enemy were about, with troops on board for the relief of the island, in case it should not be taken. The rear-admiral has scarcely cleared the land, when he descries an enemy, consisting of 25 ships of the line, and adds, that he was informed the island had been obliged to surrender a day or two before, which melancholy tidings were brought by some of sir George's light frigates. Well, the commander in chief, determined to be more minutely informed in person, proceeds to sea, and gets in

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sight of the enemy; they mutually offer each other battle, and mutually decline it, and at length part, without coming to blows!

Upon this plain state of facts, collected from the London Gazette, and which no man could pretend to contradict, he appealed to their lordships, whether any thing like it had happened in any other nation, from the beginning of the world to that day? The truth was, that scarce any thing was done in time, and when it was attempted, the instructions were such, that no person knew how to carry them into execution. Assertions in debate in behalf of government, when cabinet ministers were present, and when those assertions were not acknowledged or confirmed by noble lords in office, were not much attended to. It was easy to impute blame to officers absent, and at a great distance; but the fact was, that our naval force was inadequate to the services marked out for it; otherwise not one of the rencounters and drawn battles he had been describing would have taken place. If we had had nearly an equality, we should have compelled the French to come to closer quarters, which was by no means their wish. De Grasse was intrusted with the execution of a most important plan, of which he never lost sight, and instead of mis-spending his attention, or losing a moment's sight of the great object he had in view, he waited for the proper moment, and after collecting his force, sailed for the Chesapeak, with 28 ships of the line; a force he pretty well foresaw, when joined by Du Barras, that would ensure a decided superiority. He did not pretend to give opinions on the conduct of professional men, but without entering beyond his depth, he thought he might affirm with confidence, that all the disasters of the last campaign in the West Indies and North America solely arose from the shameful, he might add the criminal, inferiority of our naval force.

His lordship, in the course of his speech, mentioned another fatal error in the conduct of the war, so far as our foreign enemies were concerned; that was, making a defensive, instead of an offensive war, by which means we threw the choice of attack into the hands of our enemies, and divided and subdivided our force so as not to have an efficient defence any where, not knowing where the storm might fall. Contrast this with the measures adopted by those who conducted the late glorious war. There we kept the choice of attack to ourselves; we confounded our enemies, they knew not where or how to defend themselves, panic and despair soon succeeded confusion, till at length we proved victorious on every side. He protested in his conscience, that he most sincerely believed, had a similar plan been pursued, during the present war, first taking care to put our navy upon a respectable footing, the event would have been the same. Had we attacked Martinico, Guadaloupe, St. Domingo, or any of the principal sugar colonies belonging to the enemy, we should have succeeded, and wrested out of their hands the only valuable trade they possess, and should soon have made them heartily tired of the war. His lordship, after pointing out the propriety of the amendment, said it met with his entire approbation.

The *Lord Chancellor* acknowledged the very great abilities of the noble and learned lord who spoke last. He affirmed, to the best of his judgment, that he never heard a more able discourse delivered within those walls: the premises were openly and clearly stated, and the deductions followed without constraint or forced colouring. He trusted the noble lord would receive these as his real sentiments, for he was not at any time much disposed to travel out of the business before the House, for the purpose of keeping up the trivial forms of debate, much less of paying particular personal compliments to any man. When he thus freely declared himself, he spoke under reservation respecting the subject matter of the noble lord's speech, as applying to the question now before the House. As to the application, he found himself under an absolute necessity of differing from the noble lord. The proper question on which their lordships were called upon to deliberate was not, whether this or that measure ought to have had the preference to another, but simply, whether their lordships were resolved to adhere to the established form of parliamentary proceedings at so awful, and he might add without a figure, so tremendous a moment; or were determined to depart from them, and tell their sovereign, that they would not adopt any measures of defence whatever till after they had digested the state of public affairs, and as the final result, till they should have it in their power to give the crown advice respecting its conduct in future, relative to the government of the realm.

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Now, in his apprehension, such a conduct at any time would have been extremely improper, but at so critical a period as the present, it appeared to him doubly so. Communications from the throne to the people assembled in parliament were coeval with the constitution itself, and the answers from subjects to their sovereigns equally ancient and uniform. It was a matter of course, previous to the dispatch of business. The king communicated his reasons for assembling his subjects in parliament, and they never failed to return such answers as were suited to the communications made, and in a stile agreeable to parliamentary usage. The communications he had been speaking of were general ones, such as the proposed Address. In other species of communication, the case was quite different. Specific measures recommended to parliament called sometimes for consideration and pre-advice. If the present Address had taken notice of or approved of specific measures, most certainly the amendment moved by the noble lord would stand well supported, because in that event the communication from the throne, would be inviting public discussion, and it would most certainly be every one of their lordships' duty, to give their sovereign their advice upon so truly important an occasion. Was that the case here? If it was, he protested he was so dull as not to be able to perceive it. The Speech from the throne was totally confined to generals; it recommended no measure of any kind, nor even hinted at any; and, as the best criterion of its direct and substantial meaning, he affirmed, that there was not a noble lord in his opinion, who might vote for the Address as first moved, that was bound to give his countenance or support, or pledge himself directly or indirectly to vote for a single measure which might hereafter be engrafted upon it.

Having enforced this argument, by presenting it in a variety of shapes, his lordship proceeded to speak to several other points. Though the arguments had been pretty strong on one side, and had in part been confirmed by two noble lords in high office (Stormont and Hillsborough) that the amendment moved by the noble lord amounted to a renunciation of the American war, and a declaration of American independence, he must ingenuously confess he could not see it in that light. On the contrary, it recommended or pointed out no measure of any kind. It was equally silent with the Speech in that respect, and could not, in his apprehension, be considered in the light in which he had frequently heard it treated in the course of the debate. Yet though he was willing to give the amendment all the merit it was intitled to, as far as he was able to judge, he by no means approved of it, because it struck him as a manifest violation of the established mode of conducting the business of parliament, when communications were made from the throne respecting great and weighty matters, in which the dearest interests of the nation were concerned. But this was not the sole objection he had to the amendment. It was proposed by the noble lord to omit almost the whole of the Address, by introducing at the end of the second paragraph a promise or engagement to consider of the present state of affairs, and farther, after inquiry, it might be fairly presumed, that their lordships would, according to the lights and information they should acquire, digest the result of their researches, and present the same to his Majesty, accompanied with such advice as might strike them to be most wise and salutary for the purpose of obviating our present difficulties, and of devising such a system of measures as should promise to be the means of restoring our affairs, so as to enable us in the end to bring about a secure and honourable peace. He did not presume to give this as the words of the amendment, nor undertake to say, that this was exactly the intention of the noble mover; but without torturing the sense, he was ready to appeal to the noble lord himself, and those other noble lords who supported the amendment, whether this was not the general sense in which they would wish to have it accepted?

In this sense then, he had very great and strong objections to the amendment, which would go exactly to this: "It is true, that a recent calamity of a very disagreeable nature has happened. It is true, that we are surrounded by an host of powerful and formidable adversaries, and that the moment is truly awful and tremendous." So far he believed, every noble lord who approved of the amendment would agree with him; but then, what does it propose as a remedy, suited to the magnitude and extent of the evil? that all means of defence, preparation, or offence, should be suspended; that their lordships would then proceed to inquire; that next, they would digest whatever

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they might learn; and lastly, as the result of the whole, that they would give his Majesty such counsel and advice as would be most likely to answer the ends of such an inquiry and investigation.

He could not say, that this was a proposition, nakedly considered, he could ever agree to, though it were totally uncombined or unconnected with any other matter; for besides amounting to a negative to the Address, it was in fact a negative to all means of defence whatever; it proposed to suspend all measures, deliberative or executive, till after their lordships should digest their thoughts, and give their advice to their sovereign. Now, two difficulties very sensibly struck him, which must in his apprehension be unavoidable if the amendment were agreed to. The first, that their lordships would proceed in a committee, and when the object of their inquiry was at an end, of course report to the House. How far this mode of proceeding was agreeable to the necessary ingredients of secrecy and dispatch, he would not pretend to say; but, for his part, it appeared to him the very reverse of both. The other objection was liable to precisely the same objection; for when the House had agreed with their committee, and the result of the whole was to be presented to his Majesty, the same inconvenience must follow. His Majesty would be advised, probably very wisely and faithfully advised; but then, if they were counsels of execution, would not such advice, if it was expected to be adopted by government, be attended with the most enormous mischief? no less than informing our enemies what we intended to do, and thereby cutting up by the roots the only means that ever was yet thought of to secure success, that of concealing from our enemies all our plans and designs. He appealed to noble lords, whether the amendment did not fairly bear him out in the argument he had raised upon it. Informed, therefore, as he was, he must continue to consider it in that light, which with the reasons already assigned in the course of his speech, induced him to give his hearty negative to the amendment, and once more to express his full approbation of the Address.

The Duke of *Richmond* said, there were some things which fell from the learned lord who spoke last, that afforded him great satisfaction, the result of which in the first instance, as it struck him, was, that agreeing with the proposed Address was but a mere matter of form; it was substantially so in every respect. It was a matter of form, the learned lord observed, to treat all communications from the throne in this manner; it was customary to do so, when the matter communicated referred only to generals; and the present communication having been confined solely to generals, brought it strictly within the rule; nay, the learned lord pushed this argument much farther, for he affirmed that approving of measures, such as had been generally described in the Address, neither directly nor impliedly bound any noble lord who should vote for it to a single specific measure, or proposition which might hereafter be deemed proper or expedient, by those who should be employed in conducting the affairs of government.—His grace observed, that after the repeated attempts which had been made to subjugate America, it would be folly in the extreme to persist longer in so fruitless an undertaking. It appeared to him at all times impracticable, and he had repeated his reasons frequently in that House why he thought so; it would therefore be very unnecessary now to tread over the same ground; but without having a retrospect to former transactions, farther than might be necessary to elucidate the passing scene, he begged their lordships' attention for a few minutes. It was very improbable that any person of experience and knowledge, be his zeal ever so fervent, could expect to succeed by any farther attempts upon America by land; that once granted, and he believed he should hear no man seriously dispute it, the question was simplified and brought within a very narrow compass. Is the friendship and good will of America essentially necessary to the existence of this country as a great naval and commercial nation? Do our possessions and dependencies in that part of North America still remaining in our hands, our West India islands, &c. depend upon a renewal of a connection with America of one kind or other? He believed there was not an intelligent man in that House, or out of it, who imagined that this connection or re-union could be effected by force of arms. If that was the case, then it could only be effected by conciliatory means. How were these most probable to succeed, so as to essentially promote the objects which government, parliament, and the nation, were presumed to have in view?

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For his part, he thought, by immediately withdrawing our troops from that country and employing them against our foreign enemies, where only they could be of any service, would be every way the wisest measure. This was not a novel opinion of his, he had often expressed himself to that purport in that House on the subject. If it appeared to him at those several periods a wise and salutary measure, the events of the last campaign fully confirmed him that he was right, and every reason which operated then, rushed now on his mind with redoubled force, and flashed the fullest conviction on his mind, not merely of the expediency, but the absolute necessity of adopting it. The withdrawing of the troops at the time first proposed, was recommended in order to remove the apprehensions of the people, no matter whether well or ill founded, that Great Britain intended to enslave them. It was farther designed to promote another purpose, that of letting the passions of men cool and civil animosities subside, so as to learn the real intentions and views of the people, when they should be left to their own guidance;—when the fire of faction and party should be quenched, and men came seriously to consider and determine, free from the terrors of force or the operations of prejudice, what was most likely to conduce to their own interest, and secure the free enjoyment of their privileges and property in future. These, he presumed, were the leading motives which suggested the necessity of withdrawing the troops in the early stages of this business, to a noble earl since deceased (Chatham), and he should ever continue to think they were founded in prudence and sound policy.

Attend to the situation of affairs as they stood at present. America was aided by a powerful foreign ally, the troops of that ally were now fighting her battles, and assisted in the capture of a British army with their noble and gallant commander. If, then, it was determined to send out a powerful land force in order to retrieve our sinking affairs in that country, what would be the probable consequence? but that the people of America finding themselves threatened with a formidable army, would naturally look for protection to their foreign allies, who had recently so successfully and seasonably assisted them, which would serve to cement and strengthen their former connexion, and remove at a still greater distance any prospect of reconciliation with the mother country; while on the other hand, if the British troops were withdrawn, those of France would become useless, and the grand motive and confidence between America and our foreign enemies be gradually weakened. All apprehensions from what they deemed an enraged and unrelenting foe being at an end, and no farther necessity of course of foreign assistance, the people of that country, agreeably to their disposition, and even prejudices, would probably return to habits of friendship and mutual good will. It was natural, and such predilections, when nothing of importance or hazard stood in the way to indulge them, would soon begin to prevail, and that most powerfully too. Men professing a different religion, educated in different principles, speaking a different language; aliens in blood, and strangers in connexion or affection, would soon discover numerous reasons for being dissatisfied with each other, while notwithstanding the signal provocations given by the parent state, the colonies would find nature, sentiment, and innate partiality pulling the other way. They would recollect at the instant that they complained of their brethren in Europe, that they were nevertheless their brethren, and it might not be stretching probabilities too far to presume that they would, when they had nothing immediately to apprehend on their own account, never suffer, much less contribute to assist France in treading out of independent existence, her own indulgent, though latterly cruel, and unkind parent. He doubted much, whether in good policy, putting affection or compassion out of the question, they ought to stand by, while one power was augmenting its own strength and greatness on the ruin of another, particularly when that power had been hitherto a powerful rival and competitor, not only to Great Britain, and at different periods a terror to Europe, but at least in one instance to America herself. So soon as the competitor was fallen or reduced, the strength of both would in a great measure be concentered in one, and it would always be an object of policy in the weaker states to exert themselves to the utmost of their abilities in preventing any one from becoming too formidable. This, however, was a matter of mere speculation, the other was not, but well worthy of their lordships' most serious consideration and attention. All apprehensions ceasing, as he observed be-

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fore, the grounds, and he would affirm the only solid grounds of union between America and France would instantly crumble to pieces. The people of the colonies would once more become Englishmen, and France, that ambitious power, be for ever cut off from any connexion with them. By the withdrawing of the troops, therefore, he would venture to foretel, that the most signal benefits might be derived to this country, while he was persuaded a prosecution of the same measures by the same men, which were at once the disgrace and bane of the nation, must inevitably end in its ruin.

The House divided on the Amendment: Contents 31, Not-contents 75.

Protest against the Address of Thanks.] The Address as at first proposed was then agreed to, upon which the following Protest was entered:

"Dissentient'

"For reasons too often urged in vain for these last seven years, against the ruinous prosecution of the American war, carrying on by his Majesty's ministers against the people of North America, and too fatally confirmed by repeated experience, and the late disgraceful loss of a second army, to stand in need of repetition.

RICHMOND.
FITZWILLIAM.
ROCKINGHAM."

The King's Answer to the Lords' Address.] His Majesty returned this Answer:

"My Lords,

"I thank you for this very dutiful and affectionate Address. The assurances of your cheerful concurrence and support in the prosecution of the great and important contest in which we are engaged, give me the highest satisfaction, and must have the most salutary effects. It shall be my constant endeavour to make the best use of this support for the attainment of the sole end, which I have ever in view, a safe and honourable peace."

Debate in the Commons on the Address of Thanks.] The Commons being returned to their House,

The Hon. *Charles George Perceval* rose to move an Address of Thanks in answer to the King's Speech. He began with apologizing for his undertaking a task which was equal to the abilities of the oldest member. He had, however, the consolation, that, however defective he might be in point of eloquence, whatever he might utter on the subject would be sincere, and come from the heart, and he had besides the satisfaction of believing that there could not be a member in the House but would readily join with him in the motion he was about to make. In a situation so truly alarming as the present, he felt exceedingly the difficulty of his task in proposing to the House a suitable Address; but he declared, that it was his sincere and hearty conviction that no other than the firm resolution of parliament to support the crown, in the gracious intention which had been declared from the throne, to prosecute the war in which we were engaged, could extricate us from our perilous situation. It was indeed true, that the events of the present campaign had been very unfortunate, and that the calamity in America was a circumstance which demanded the most serious regret and consideration; but notwithstanding these disasters and this gloom, he yet hoped to see his native country happy, secure and glorious: and he had the most sanguine expectations of seeing peace restored between this country and America on terms the most friendly and advantageous to both. What his Majesty had mentioned in his most gracious Speech was very true, that the war had been excited by the restless ambition of our enemies, and was maintained by that spirit; but if it should be true, that there had been found men in that House so lost to duty, to honour, and to shame, as to express their warm wishes for the success of the enemies of this country, to glory in their conquests, and to boast of the countenance that they gave to their rebellion, he believed there would be little hesitation in declaring that a great part of our present calamity was to be attributed to this cause; especially when they knew, that men of eminence, men distinguished by their abilities and connections, had done this, and incited America to resistance, by the friendship which they professed, and by insinuating and proclaiming, that the people were favourable to their cause. The public were not to despair. Too much, he observed, had been thrown out that had a direct tendency thereto, and foreigners in particular were apt to be led away with it as the real and genuine feelings of the kingdom at large. He expatiated on this topic, and hoped nothing like alarm to the peo-

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ple would be given in the course of the debate; the eyes of all Europe, at least of every power concerned in the present war, were fixed on the legislature of Great Britain. It therefore became incumbent on the House to avoid every thing that might possibly be construed into an appearance of despondency. Were the calamities of this country so great as some had represented, and her resources so much exhausted as her enemies were led to think them, no one would feel himself more uneasy than he should; but he believed the case to be far otherwise. He was far from thinking this country undone, though in danger. It was true, that she was plunged in a war, which naturally brought upon her an immense load of debt. War was inseparable from expence, and the House would recollect that the present one must in its nature be particularly so, we not only being engaged in a war with America, but also with France, and Spain, and the states of Holland. The hon. gentleman admitted that things had not turned out so favourably as the justness of our cause had deserved, but was of opinion, that nothing more was required than unanimity amongst ourselves to defeat our combined enemies, and restore Great Britain to its wonted lustre and renown. Under this idea, he exhorted, in strong and forcible terms, the total extinction of party. He intreated the House to drop every little personal consideration, and join in the prosecution of the war with that unanimity which alone could give it efficacy, and which would bid fair to terminate it to the honour and interest of Great Britain. The people of England, he said, were not to be dispirited and sunk on account of a disagreeable event or two, and he thought the House were bound to approach the throne with expressions of the strongest gratitude for the declaration his Majesty had been pleased to make, that neither his own desire for peace, nor any temporary inconvenience of his subjects, should induce him to give up essential rights and permanent interests, on which the prosperity and felicity of the British empire would ever principally depend. He concluded with moving the following Address:

"Most gracious Sovereign;

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, return your Majesty the thanks of this House, for your most gracious Speech from the throne.

"We assure your Majesty, that we see with concern, that the war is still unhappily prolonged by that restless ambition which first excited our enemies to commence it; and which still continues to disappoint your Majesty's earnest desire and diligent exertion to restore the public tranquillity.

"We are sensibly affected by your Majesty's paternal expressions of concern for the real welfare of your subjects; and we receive with the strongest emotions of duty and gratitude your Majesty's gracious and endearing declaration, that you should not answer the trust committed to the sovereign of a free people, nor make a suitable return to your subjects for their constant, zealous, and affectionate attachment to your person, family, and government, if you consented to sacrifice, either to your own desire of peace, or to their temporary ease and relief, those essential rights and permanent interests, upon the maintenance and preservation of which the future strength and security of this country must ever principally depend.

"We declare on our part, that we know no means of making to your Majesty any return so suitable and so just, and of answering the great trust committed to us by those whom we represent, as by giving your Majesty this firm assurance, that we are resolved to assist and support your Majesty to the utmost of our power, in maintaining and preserving the essential rights and permanent interests of your crown and people.

"The favourable appearance of affairs in the East Indies, and the safe and prosperous arrival of the numerous commercial fleets of your kingdoms, have given us great satisfaction: but we sincerely regret that your Majesty's assiduous endeavours to guard your extensive dominions, have not in all places been attended with success; and we learn with the deepest concern, that the events of war have been very unfortunate to your Majesty's arms in Virginia, and have ended in the loss of your forces in that province.

"We are fully persuaded, that the principal view of the confederacy of our enemies, was to foment and maintain the rebellion in North America; and, under the specious delusion of the establishment of an independent empire, to render your Majesty's colonies subservient to the power and influence of the crown of

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France: but your Majesty may rely on our steady assistance to second your Majesty's endeavours to defeat the dangerous designs of our enemies, equally prejudicial to the real interests of America and to those of Great Britain.

"We will not fail to resume the great and momentous consideration of the state and condition of the dominions and revenues which this country possesses in the East Indies; and we trust that, in our deliberations on those important matters, we shall proceed with the same spirit and temper in which they were begun, and with the same care and anxiety to consider how those remote provinces may be held and governed with the greatest security and advantage to this nation, and by what means the happiness of the native inhabitants may be best promoted.

"In this arduous conjuncture, we consider it as our first duty to our country, to grant your Majesty such supplies as the circumstances of affairs shall be found to require. We cannot but feel that the war is burthensome and expensive; but we are convinced, at the same time, that it is just and necessary; and nothing on our parts shall be wanting, to give efficacy and success to the valour of your Majesty's fleets and armies; and we still have a firm confidence that, by a vigorous, animated, and united exertion of the resources and faculties of the nation, and of the spirit of a free people, your Majesty will be enabled, under the protection of Divine Providence, to restore the blessing of a safe and honourable peace to all your dominions."

Mr. *Thomas Orde* rose to second the motion. He began with apologising for his intrusion on the House, and lamenting that so difficult a task should be assigned to him. He said, that he had not a doubt, whatever were the little debates and divisions of the House, that they were all actuated by the same spirit of pure patriotism and of disinterested regard for the public good, and that they were all anxious for the restoration of the grandeur, security, and happiness, in which we lived before the present disturbances. If this was the general desire, he would take upon him to say, that it could only be gratified and fulfilled by magnanimity and unanimity. The cordial efforts of all his Majesty's subjects would be irresistible. They had hitherto astonished the world, nay now they raised its admiration in shewing them that we were able to meet so many powerful foes without the assistance of a single friend. The Address which had been proposed by his hon. friend, entirely and fully met his ideas and approbation. They must not be depressed by disaster; calamity called for fortitude and exertion, and the dignity of the British senate now required that they should seriously and firmly resolve on the best means of supporting the empire against the machinations of our enemies. He declared that he approved of the designs of ministers with respect to America, if they were formed to re-establish the commercial rights or advantages of Great Britain on terms not unbeneficial to America, and if their object had been to recover our dominion, to cement anew the bond of union, to rescue America from foreign and domestic tyranny, and to fix a justly qualified dependence on the mother country. It was friendly and paternal to America herself, to endeavour to restore her to the secure happiness of a connection with this country, in preference to the insidious friendship of that power which had interfered, in order to foment the quarrel, and separate her from this country. The colonies were sacrificing their true interests to mad ambition and impolitic revenge. They had improvidently yielded up to France the possession of their harbours, and he would venture to say, they now prematurely rejoiced in the introduction and success of her armies. For what was herein the object of France? Not alone to devise the destruction of this country, but to prolong the horrors of civil war in that; not to terminate it even in favour of her new allies till they should discover too late that they had borrowed assistance of a pernicious usurer, to whom, having been obliged to grant mortgage after mortgage, they should find themselves at last stripped of the whole estate which they had refused to hold under the advantageous guardianship of those who, after having driven the encroacher from their borders, gave them the security to make it valuable. Would we tamely suffer America to become the ally of France perhaps, and most likely to become the subject or the slave? As to the consequences of the war, he would not deny but that they were heavily experienced by the people. But it was impossible for it to be otherwise. All wars were expensive, and particularly the present one, when we were engaged against America, and France, and Spain, and Holland. He would also admit that af-

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fairs had not fallen out so well as might have been expected. In his recital of the chief circumstances of our situation, he had purposely chosen to treat the subject as rather serious than pleasing, because he should think he offended against the spirit and dignity of the House, and against the candour and impartiality on which he would wish to establish the strength of his arguments, if he failed to represent the most unfavourable idea he could conceive of our public affairs, and did not seek thereupon to consider what effect they should have on our public conduct; and if in this view of them, there was no reason to think them desperate, or to abate our courage and resolution, whatever more agreeable might be fairly added, should tend to give us the first encouragement of hope. He recited the story of our troubles, not to depress or sink the spirit of his countrymen, but to rouse and invigorate it; not to bid them despair of their country, but to convince them that their own magnanimity, their virtue, and their union, were alone necessary to protect and upraise it.—He would not enter into the cause and progress of the American war, the narrative of which had so often been heard, perhaps impatiently, in that House. But thus far he would venture to say, that he had sufficient justification from many gentlemen in opposition to declare, that the quarrel was at first a favourite in the nation; the cause and objects of it approved and encouraged; and that it was not merely the project of administration; that he did not know what should induce us to believe, that though the views of government might naturally be favourable and perhaps partial to Great Britain, they were ever bent on injustice or rigour to America. He could not conceive any foundation for the charge of unrelenting persecution, or that such a spirit was not to be mitigated till after the most oppressive and ungenerous triumph over unconditional submission. That he was not in the secrets of government, nor meant to pay any unmanly compliments to the measures of administration; but that he sincerely thought them in regard to America less inimical in design and execution than she had been to herself; and if therefore the motives of the war were not founded in any unworthy species or degree of avarice or ambition, but arose only, as he hoped, from a desire of re-union on terms of mutual advantage, there could not surely, whatever unforeseen and unfortunate circumstances had enlarged the sphere and increased the calamities of it, be made a retrospect of complaint, though there might be of sorrow, for the prosecution of it. It was not his purpose to examine the probable causes of our not having succeeded by persuasion or force to put an end to this most unfortunate war. He was not a competent judge of the means used, or the manner of employing them. More material considerations now required their immediate and earnest attention, for the purpose of directing their future conduct. The people were not, he hoped, to be cast down by a temporary distress: however deeply we might feel affected by the misfortune to our country, in the loss which had befallen its forces in Virginia, we should not be insensible of a grateful compassion to them and to their very deserving, though most unfortunate, commander. He hoped, that when he should return to his country, we should receive him with our praises; that we should thank him, and with more justice than the Romans did their unsuccessful commander; because we had to remember the prelude of his victories, and that the first story of his achievements was not the surrender of a gallant army. The hon. gentleman attributed the ill success of our arms in America to the perfidy and ambition of the French, and defended administration in not having any ally. That we had not, he said, was not the fault of government. If those powers, whose interest it was to be with us, or whom gratitude ought to have bound to us, had been led to act otherwise than they ought to have done, who was to be charged with any crime on that account? The ministry could not help it. He said, that if the sure accomplishment of the great wish and desire of them all depended on the result of their debates, he had no doubt but the general voice would be for peace. The more perfect attainment and security of that blessing had been the object of the war, and had made them pray for victory. It must be the wish of the King, who would find his own joy in the restoration of ease and happiness to his people: it must be the wish of the ministers, because, while knowing it to be the desire of their master, they would therein find relief from the anxieties and perils which now surrounded them: the great body of the nation must desire it, because they feel the accumulation of those expences which arise from the war, how sensible soever they may be of the

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necessity for continuing it. This sad necessity however seemed still to exist, as the malice and ambition of our enemies appeared yet to be implacable. He could not believe that though the assistance or effectual mediation of some friendly power was delayed, it was decisively refused to us. It was now however necessary to regard ourselves as unsupported by foreign alliance; and we were of course to make greater exertions of our own united resources. All that remained for us to do in such a situation, was to put forth every means in our power to subdue the common enemy, and look to the internal defence of the kingdom; and this he believed had been done. The militia of this country, he said, were composed of such a body of men, and commanded by such officers, as made our dependence upon them altogether prudent and secure, while it left government at liberty to employ her troops on a more distant service. —The hon. gentleman again strongly pressed the House to become unanimous in their resolutions; and was of opinion, that nothing could tend to restore the greatness of this country but a successful prosecution of the war, which might lead to such a peace as would accord with the honour and dignity of Great Britain. He was therefore offering his Majesty every assistance in their power: and since they must appear in lamentation for the troubles and distresses of their country, they should recollect and take example by that mourning which they read of in the history of these kingdoms, and appear before their sovereign in suits of armour. As he had said before, the picture of the country was more serious than pleasing, but it was by no means desperate: it was a moment for enterprise, and not for despondency. We must agree to prosecute effectual and vigorous measures, and do it without any little division about the manner of our exertions. The Address moved for did not point out any particular place as the theatre of war; it did not bind the House to the prosecution of it in any particular shape: they therefore would not now hesitate in carrying up to the throne their unanimous offer of support, from any difference of opinion with respect to the particular measures to be observed in prosecuting the future operations of government. It would be time to disagree about specific measures when specific measures came to be proposed. In one thing, as he had said, they must be all agreed, and it became them to be seriously so, in the desire of snatching the empire from the midst of her enemies, and restoring her by our vigour to the eminence which she was accustomed to hold among nations. The Address moved for, was calculated to promote this end, and therefore he was happy to second the honourable mover.

Mr. *Fox*, in a speech of considerable length, entered with his usual ability and success into the merits of the important question, of continuing or abandoning the American war. He said, that he rose to move an Amendment to the Address for the same reason that the hon. gentlemen had risen to propose and second it. The task had been assigned to them because they were young men, and young members of that House. There was a favour about youth which recommended its actions; but there was more than the favour of youth requisite to give grace to the motion for an address to the throne on the present occasion; it required the benefit of inexperience, the recommendation of ignorance; for what man, who had observed the conduct of ministers for the last two parliaments, who had been a member of that House, and had had opportunity of knowing the measures of government, could have been brought by any means to disgrace himself by the motion? The most servile or the most profligate adherent of ministry, however he might have gained a seat in that House, or however submissive he might have been rendered by pension or place (and that there were such members was but too true) could not have been brought to move for this Address, if he had been for any time a member? It was therefore with prudence assigned to the present gentlemen, because they were fortunately unacquainted with what had been seen and executed in that House. He was ready to do justice to the discernment of ministers in this respect: but for the same reason that they had moved and seconded the Address, he now rose to propose the Amendment. Though he was a young man, he could not be called a young member of the House. He had been present and seen the whole system of his Majesty's ministers; had heard their progressive madness, impolicy, or treachery; and he was now confounded at their presuming to look the Commons' House of Parliament in the face, much more to sit and hear such an address to the throne moved for at such a time. That they should dare to bring down such a speech

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after what they had done, was to him a subject of astonishment, nay a subject of horror. It shewed that they were divested of all modesty as well as principle, and that they had formed the dreadful resolution of going on to the last act of the tragedy, and completing the ruin which they had so successfully begun.

There never was any moment when it was so necessary for him to take notice that the speech from the throne was not to be considered as the speech of the King, but of his ministers. The present was the most extraordinary that he had ever known. He must pause a while on the audacity of ministers (for he could give it no gentler term), in putting such language into the mouth of the sovereign. If men were unacquainted with the nature of our constitution, and knew that the speech was contrived by a cabinet-council, what would they pronounce the present speech from the throne to be? What! but that it was the speech of some arbitrary, despotic, hard-hearted, and unfeeling monarch, who, having involved the slaves, his subjects, in a ruinous and unnatural war, to glut his enmity or to satiate his revenge, was determined to persevere in spite of calamity, and even of fate. That it was the speech of a monarch incapable of feeling his own misfortunes, or of sympathizing with the sorrows of his people, when the high prerogative of his despotic will was disputed; for despotic monarchs were the most tenacious of their rights, as they called them, and allowed nothing to the feelings or to the comforts of their fellow-creatures. The speech spoke out a bold and sanguine language, and he was glad of it. It was better that the people should know what they were to expect, and what to suffer, than that an insidious air of lenient intentions should cover and conceal the same dreadful plan. But he called upon every honest man in the House to say if it was not his firm dependence and trust to have heard a very different speech on that day. He would refer it to the candid feelings of every man in the House. He had not been many days in town, but he had been long enough to hear and collect the opinions of men, and he declared that it was the general sentiment, that we should have heard his Majesty on that day, declare from the throne, "that he had been deceived and imposed upon by misinformation and misrepresentation; that, in consequence of his delusion, the parliament had been deluded, but that now the deception was at an end. He saw that he had been in an error, and that he and his people had suffered enough from the consequences of it. That therefore, he requested of his parliament to devise the most speedy and direct means of putting an end to the calamities, and restoring peace, security, and happiness to his dominions." He said, that this was the general opinion; but instead of this, they had heard a speech, breathing vengeance, blood, misery, and rancour. It spoke exactly this language: "Much has been lost, much blood, much treasure, has been squandered; the burthens of my people are almost intolerable; but my passions are yet ungratified, my object of subjugation and of revenge is yet unfulfilled, and therefore I am determined to persevere." This was the language; and for this language the minister was answerable. The men who had brought us to our present situation, and reduced us from the splendor, and the strength, and the happiness which we enjoyed, to the disgrace, the weakness, and the danger in which we stood at present, yet dared to come forward, and tell the representatives of the people of England, that they were not yet satisfied; that they had not yet done enough; that they determined to persevere in the American war, and to spend more of the treasure, and lavish more of the blood of these very people, although there was a general clamour against it, and out of that House the loudest disapprobation was expressed, and the most direct condemnation of the system.

There was one thing which he must take notice of: the hon. gentleman who had made the motion had been unadvised. He had lavished part of that oratory in an attack which was all necessary to defence. He advised him to husband his abilities, and reserve them all for the defence of the ministry below him, rather than waste them in attacking the opposition. He had charged them with expressing joy at the triumphs of America. It would have been becoming in him to have had one quality of youth, candour, on the occasion, and to have stated fairly what he chose to represent. It was true he had said in a former session, that it was his sincere opinion that if the ministry had succeeded in their first scheme on the liberties of America, the liberties of this country would have been at an end; and thinking this (as he did) in the sincerity of an honest heart, he was pleased with the resistance

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which they had met to their attempt. If the hon. gentleman had thought the same thing, if he had joined him in the opinion that ministry, had they succeeded in their first attack upon America, would afterwards have succeeded in an attack upon Britain; he no doubt would have wished success to American resistance, at least if he had been an honest man, he would. This was his opinion, it had always been so; he might be wrong, but he from his heart believed it; and he called upon the hon. gentleman, when he next mentioned the assertion, to take notice also, as in candour he ought, of the opinion that accompanied it. The great and glorious statesman, whose memory every gentleman would revere, the late earl of Chatham, entertained this opinion in the very commencement of the dispute; and feeling for the liberties of his native country, thanked God that America had resisted the claims of this country. But "all the calamities were to be ascribed to the wishes, and the joy, and the speeches of opposition." Oh miserable and unfortunate ministry! Oh blind and incapable men! whose measures are framed with so little foresight, and executed with so little firmness, that they not only crumble to pieces, but bring on the ruin of their country, merely because one rash, weak, or wicked man in the House of Commons makes a speech against them! Oh, what miserable statesmen must these be, who frame their measures in so weak and wretched a manner as to make no provision for the contingencies of fortune, nor for the rash passions—say, if it pleases the House, the wicked passions of men! Could they expect that there would be no rash, no weak, no wicked men in this kingdom; or were they so rash, so weak, and so wicked, as to contrive measures of such a texture that the intervention of any unforeseen circumstance broke them to pieces, and with their failure destroyed the empire of which they had the government! It was said against administration, that they had no responsibility. People desired to know who was the minister, and who was answerable for the iniquitous measures of government. The ministry felt the difficulty of the question, and hesitated a long time in the answer; but at last, having found out an expedient, they exclaimed in triumph, "Oh, yes, responsibility! to be sure there must be responsibility! there are persons accountable to the people for the measures of government!" Who are they? "The persons," replied the ministry, "are responsible, who have always opposed our measures." This was the strange and the ridiculous manner in which they argued, and endeavoured to shuffle themselves out of that responsibility which they knew to be so dangerous. If they had succeeded, they would have taken all the credit and all the praise to themselves; but because they have failed, they throw the blame upon those men who endeavoured to prevent the calamities by stopping the causes; they threw it upon the men who saw them in their career to a dreadful precipice, determined to throw themselves from the immeasurable height, careless of the death that must ensue from dashing on the rocks and plunging into the sea below, and who endeavoured in vain to stop them in this mad intent. They seized us upon the brink, say ministry, and by their efforts to stop us prevented us from taking the glorious leap which we had intended: if they had suffered us to dash into the abyss without molestation, then we should have been happy. When this sort of language was held, he had always treated it with silent ridicule; and if he had now given it any serious reception, he begged the House to pardon him. It was unintentionally if he had, for it merited nothing but ridicule and contempt.

The hon. gentleman who had seconded the motion said, that "the House had impatiently heard narratives of the American war, and of the measures that had led to it, and he trusted that there would be no more retrospective censure in the present moment." Impatiently! Had the House heard them impatiently! Ministers must bear to hear them again, and on that day they must hear them; that was the day when the representatives of the people must recall to the ears of his Majesty's ministers the disgraceful and ruinous measures that had brought us to this state. They must hear of them not only here, but he trusted, that by the aroused indignation and vengeance of an injured and undone people, they must hear of them at the tribunal of justice, and expiate them on the public scaffold. He saw a learned gentleman smile at the word 'scaffold,' [the Lord Advocate of Scotland.] What, did not the learned gentleman think that it was yet time for punishment? Had they not in his imagination done enough, or had they more calamities to inflict, more negligence

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to exemplify, or rather more treachery to complete? What was the learned gentleman's opinion? When did he think the fit moment would arrive, when suffering would be supineness, and retribution be just? It was his opinion that the day was now approaching, it was at hand, when the public would no longer submit nor the ministry escape. Their conduct was unprecedented in any age or in any history; it beggared the records of nations: for in all the annals of kingdoms ruined by weakness, or ruined by treachery, there was not an instance so glaring as the present, of a country ruined by a set of men, without the confidence, the love, or the opinion of the people, and who yet remained secure amidst the storms of public disaster. The hon. gentleman, who had seconded the motion, had called for unanimity. He demanded to know if they meant to insult that side of the House when they asked for unanimity, and designed to continue the American war. They had opposed it from its commencement; they had opposed it in all its progress; they had warned, supplicated, and threatened; they had predicted every event, and in no one instance had they failed in predicting the fatal consequences that had ensued from their obstinacy or from their treason. If in a moment like the present, a moment of impending ruin, men who loved their country could have any comfort, he confessed he must feel it as a comfort and consolation, that when the history of this dreadful period should come to be written by a candid and impartial hand, he must proclaim to posterity, that the friends with whom he had the honour to act were not to be charged with the calamities of the system. In justice to them he must declare, that they did all that men could do to avert the evils, to direct them to a more safe and honourable track, but they had failed in their endeavours to save their country. Thus much at least the historian would say, and thus would they be exempted from sharing the condemnation, though they now suffered the calamity in common with the rest of their unhappy fellow-subjects.

The hon. gentleman had told us, that we must not despond; and at the same time he had given us a picture of our situation, which he confessed to be more serious than pleasing. He talked hope to the ear, but he had spoken despondency to the heart. This was his serious picture, and a most serious one it was. You are now suffering these things from measures the most wise, the most prudent, the most necessary, executed with firmness and with foresight, and in a cause the most just and upright. Was it so! Then how much farther distant from despondency was the picture which he would give than this serious, but not desponding, picture of the hon. gentleman. I cannot, said the hon. gentleman, express my sentiments of the situation of this country better than by applying to it the address of the celebrated orator, Demosthenes, to the Athenians. "I should," says he, "deject and despair, I should consider your situation as desolate and irreparable, if I did not reflect that you have been brought to this state by weak and improvident measures, and by weak and treacherous men. If your affairs had been managed wisely, if your operations had been firm and steady, and after all you had been reduced to this situation, I should have indeed despaired of deliverance; but as you have been reduced by weak and by bad men, I trust you may be recovered by wise and by upright governors. Change your system, and you may yet flourish; persevere, and you must be ruined." This was exactly his opinion of the present situation of this country: if their cause had been just and virtuous, if their measures had been wise and vigorous, if their ministers had been capable and zealous, and after all we had been brought to our present situation, he should have despaired of deliverance; but, as it was, there were yet hopes, by substituting a just and a virtuous system in lieu of the present oppressive and disgraceful one, by substituting wise and vigorous measures in room of the present ridiculous and impotent schemes, by substituting activity and zeal in the place of indolence and treachery, and by changing in short the whole plan and conduct of government. His motive for this advice was not that he wished to succeed to those places of trust; he sincerely wished their present possessors good of them; they had rendered the offices of trust and power most unenviable to men who loved their honour, and whose only object in accepting them would be to promote the splendour, the security, and the happiness of this country. Let them, in the name of Heaven, enjoy the emoluments for which they have lavished so much; and if our ruin must be accomplished, let it be completed by the same baneful hands!

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The hon. gentleman exhibited two pictures of this country; the one representing her at the end of the last glorious war, the other at the present moment. At the end of the last war this country was raised to a most dazzling height of splendour and respect. The French marine was in a manner annihilated, the Spanish rendered contemptible; the French were driven from America; new sources of commerce were opened, the old enlarged; our influence extended to a predominance in Europe, our empire of the ocean established and acknowledged, and our trade filling the ports and harbours of the wondering and admiring world. Now mark the degradation and the change! We have lost 13 provinces of America, we have lost several of our islands, and the rest are in danger; we have lost the empire of the sea, we have lost our respect abroad and our unanimity at home; the nations have forsaken us, they see us distracted and obstinate, and they leave us to our fate. Country! "This *was* your husband; this *is* your husband." This *was* your situation, when you were governed by Whig ministers and by Whig measures, when you were warmed and instigated by a just and a laudable cause, when you were united and impelled by the confidence which you had in your ministers, and when they again were strengthened and emboldened by your ardour and enthusiasm. This *is* your situation, when you are under the conduct of Tory ministers and a Tory system, when you are disunited, disheartened, and have neither confidence in your ministers nor union among yourselves. When your cause is unjust and your conductors are either impotent or treacherous.

He said, that he should not go into a minute detail of all the transactions of ministers in the progress of this accursed war, but only trace them through the leading features, which would shew the plan and system they had pursued. They commenced war against America after that country had offered the fairest propositions, and extended her arms to receive us into the closest and nearest connection. They did this contrary to their own sentiments of what was right, but they were over-ruled by that high and secret authority which they durst not disobey, and from which they derived their situations. They were ordered to go on with the American war or quit their places. They preferred emolument to duty, and kept their ostensible power at the expence of their country. To delude the parliament and the people, they then described the contest to be a mere squabble. It was not America with whom we had to contend; it was only Hancock and his crew: A handful of men would march triumphant from one end of the continent to the other. This was the language sounded in that House, and for this language a learned member of it (lord Loughborough) was exalted to the dignity of a peer, and enrolled among the hereditary council of the realm. He was thus rewarded for no other merit that he could ever discover but that of vehemently abusing our fellow subjects in America, and calling their opposition the war of "Hancock and his crew!"

Having by misrepresentation deluded the parliament into the contest, they endeavoured to continue the delusion by promising the country gentlemen a revenue from America. This, like all the rest of their fictions, was what they did not themselves believe, but it was necessary to the occasion. They saw the French raising an armament in their ports; great preparations were evidently making, which demanded the notice and the enquiry of the British ministry long before they openly professed this resolution to support the independence of America. What did our ministry do? They suffered these armaments to go on, they came down day after day, and professed that France was friendly in her dispositions; nay, after they knew that the preparations were hostile against Great Britain; that they were intended to resist us in our attempts upon America; when it was no longer in the power of ministry to conceal the irksome truth, and when they were galled with what was told them of it in that House, they adjourned it for a considerable time, just previous to the conclusion of the treaty between France and America. Why did they do all this? Because, if they had not, they must have been forced to go to war with France at a much earlier period than they did, which they could not have done without giving up the American war; the object of their ambition, because the parent of their fortune, and the tenure on which they held their power. They had wilfully and positively plunged this country into a war with France, with Spain, and with Holland, by a treacherous acquiescence in the designs of France for the mere love and attachment that they

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had to the American war. If they had crushed the preparations of France in their infancy; if they had called her to a peremptory account before their naval equipments were matured; would any man breathing say, or suspect, that the French would have dared to act as they did, or presume to go to war with the whole strength of this country undivided, unweakened, by the prosecution of a mad war against her colonies? Surely not. But they pursued another policy. He would not say that he believed they were paid by France; it was not possible for him to prove the fact; but he would venture to say, that they deserved to be paid by the Grand Monarque, for they had served him more faithfully, and more successfully than ever ministers served a master. If the French king heaped treasures upon their heads; if he exhausted his exchequer to enrich them; if he even drained his resources for their sake, he purchased the aggrandizement of his kingdom at an easy rate; for they had done more for its permanent advantage, more towards the accomplishment of the grand object of French ambition, that of universal monarchy, than all the preceding administrations that ever France had employed, nay more than all the little achievements of Louis le Grand. He, in his aim to acquire universal monarchy, grasped only at the conquest or the purchase of a few barrier towns, and by pursuing these impolitic means, had exasperated and roused Europe against him.

But the present system of France had been more deeply and more sagaciously laid. If there should be a deliberation between the king of France and his subjects on the best means of extending and establishing the projected universal monarchy; what would be the tenor of their conversation? "We must, the king would say, weaken and destroy our grand and most formidable rival, Great Britain. To be sure, reply the subjects; but this cannot be done without diminishing and exhausting ourselves. Yes, says the king, we shall not strike a blow; we will make them cut and mangle one another; we will employ our ministers; those ministers who are paid by Great Britain for doing our business, to go to war with their master's subjects and destroy themselves." This accordingly is done. The prime minister of France, whom, said the hon. gentleman, I now see sitting over against me, goes to war with America for the maintenance of rights, of trifles that were never disputed, and remains deaf and blind to the calamities and the intreaties of the people. "Oh! but, say the subjects of France, Great Britain will triumph if we do not interfere. Then, says the monarch, we will interfere; after deluding these men with empty unmeaning professions, which no creatures but themselves would believe; we will come in at the critical moment to give the finishing stroke to American independence. All this will be great, will be masterly; the subjects would reply: Britain will be weakened; but by this we shall only have an equal share in the circulating commerce of America: Nay, we shall do more, says the king, we shall conciliate the affections of America; we will conclude a treaty with America, and by being instrumental to her independence, incline her by obligations to a preference in favour of France." All this may be supposed to have occurred between the king of France and his subjects, and still farther it might have been said, that in order to complete the design of establishing an universal monarchy, they must destroy the other rival powers of Europe; the naval powers were the most to be dreaded, and, after Great Britain, of these naval powers the Dutch were the first to be overthrown. How could they do that without weakening themselves? Why, replies the king of France, how but by instigating our faithful servants, the ministers of Great Britain, to go to war with their nearest, dearest, and best friends the Dutch. True, their interests are inseparable; they are like the right hand and the left of one immense and terrible body; by a brotherly combination of strength and action they are irresistible, and the House of Bourbon must fall before them; but divide them, nay, not only separate, but set them to tear one another, and they will crumble before us. To do this would be impracticable with any other set of men; but nothing is impossible for those ministers in the scale of absurdity or madness to attempt. This would no doubt be said, and what must be the astonishment, what the feelings, what the transport of Frenchmen, when they perceived Great Britain go to war with the Dutch without a cause, for he declared he never yet could discover a cause for which we went to war with that power, forgetting all the interests, all the policy, and all the connection by which we had ever been, and ought always to be guided with re-

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spect to her. What must have been the exultation of Frenchmen, when they saw the fleets of admiral Parker and admiral Zoutman; fleets that ought never to have met in any sea but on terms of friendship, meet to tear one another to pieces; in short, it was impossible for any set of men, however well inclined they might be to favour the interests of France, to serve her more effectually than his Majesty's ministers had done; and yet we were constantly hearing the ministry exclaim against the perfidy of France: they made his Majesty, from the throne, speak in the same stile of the restless ambition, and the perfidy of France. He exceedingly wished, that as we could not give them hard blows, we would be decent enough not to give them hard words: but it was the fashion of his Majesty's ministers; they loved to talk in bitter terms. But why was the perfidy of France so bitterly inveighed against? Was that any thing new? Was the treachery of France of a late date, or her enmity to this country, or her desire to weaken us, or her restless ambition? They were all established as axioms in politics; and none but the present statesmen would have suffered themselves to be deluded by professions to the contrary, however speciously they might be made, especially when there was incontestible evidence against them, in the preparations which they were making in all their ports.

The hon. gentleman who had seconded the motion, had strongly called for unanimity, and afterwards recommended the prosecution of the American war. Were the ministry confident enough to expect that there could be unanimity on that subject? Had they not, from the outset, declared their firm unequivocal abhorrence of it? Had they not declared and predicted what had come to pass? Had they not by every argument and means which respectful zeal could suggest, called upon, urged, and instigated them to put an end to a war which could only be productive of ruin and disgrace. Every period of it had been marked with disaster, and the last misfortune was such, as took away the final hope, even of the most violent abettors of the war. The hon. gentleman had said, that we could not blame the unfortunate and gallant lord who commanded the brave army in Virginia; that we must receive him with praises; for victories had been the preludes to the surrender of his army. He would join that hon. gentleman in bestowing the warmest praises on that noble earl; for not to him did he impute the disaster, but to the ministry, by whose savage obstinacy he was ordered to persevere in an expedition against the evidence both of fact and reason. But had not all the transactions of this war been of the same sort! Had not all the generals been brave, and all unfortunate! The conquest of Ticonderoga had concluded in the surrender of Saratoga. The victory of Brandywine had ended in the recall of sir William Howe; and the battle of Camden in the capitulation at York. It had been with earl Cornwallis as it was with general Burgoyne: "The paths of glory lead but to the grave." It had always happened so, and it must always happen so in the prosecution of this disastrous war. Gen. Burgoyne had been brave; gen. Burgoyne had failed; and gen. Burgoyne had been reviled, persecuted, and proscribed; so had general sir William Howe; so, perhaps in his turn, would the brave and unfortunate earl Cornwallis: though he did not know where these candid men intended to fix the blame; whether upon lord Cornwallis, or on sir Henry Clinton, or on both; or on admiral Graves, or on all. But it would soon be discovered; their dirty literary engines would be set to work, and calumny would come forth in all the insidious garbs that inventive malice could suggest. They would place the blame any where, but in the right place; but in their own weakness, obstinacy, inhumanity, or treason. To some one of these causes the blame was to be attributed, and not to any failure in the execution of their plans. Two years since, a right hon. friend of his had moved the House, that our troops should be withdrawn from America, under a firm persuasion, that the French troops, joined to the Americans, would be irresistible; and that left to themselves, their jealousy of one another, and their passions, might be favourable to Great Britain. The motion was rejected, because, oh! it was not possible that the Americans could suffer a French army to enter their provinces! So little did his Majesty's ministers know of the intentions, or of the disposition of the people with whom they were at war! The event now confirmed the idea of his right hon. friend, whose military knowledge of the colonies would not be disputed. Now then, put a period to the contest. The French and the Americans are joined. The French and the Ameri-

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cans have taken an army. There was no part of the unfortunate disaster at Yorktown so portentous as that circumstance, or that gave him so much concern. It led to more fatal consequences than the loss of 7,000 men. The circumstance of this conquest being accomplished by the combined army of French and Americans, would superinduce a claim of acknowledgment, and of gratitude, that would tie the two people together in an alliance of friendship, and give rise to commercial connexions, which would shut out the only prospect that remained for this country of re-establishing a friendly intercourse with America, and having the benefit of her trade. Some of the persons belonging to his Majesty's council were not so sanguine as others. Some, for whom he entertained respect, as private gentlemen, were not so sanguine as to believe, that if the people of America were really determined against us, we could ever reduce them to obedience. One of these, for whom he had a great respect, a right hon. gentleman on the floor (Mr. Rigby) has said, upon the capture of Charles-town, that if that event did not produce fortunate conclusions in our favour, he should despair of success, and be ready to acknowledge, that it was an improper and mad thing to continue the contest. Now then, he called upon the right hon. gentleman to stand up, and in the face of the world act up to his promises, for it was now proved, that the capture of Charles-town had concluded in the surrender of an army. Had any other consequence arisen from it? No; none. The right hon. gentleman, who professed to be open, and disdained the insidious dealing of saying one thing one day, and another the next, just as it might suit the occasion, would rise, therefore, he trusted, and call upon his Majesty's ministers to put an end to this war.

There was one circumstance in the conduct and language both of the ministers and of men of all parties, which he could not help taking notice of; it was, that amidst all their sorrow for the loss of earl Cornwallis and his brave army, there was one thing which gave them great consolation, and for which they were grateful: it was, that our fleet had not ventured to fight the enemy. Hear it, Mr. Speaker, said the hon. gentleman; it is a source of joy, new in the history of Britain, that we rejoice on the occasion of one of our fleets not venturing to meet and fight the enemy. To this even were we reduced, and our joy on the circumstance was well-founded. The hon. gentleman who seconded the motion had given great praise to earl Cornwallis, and justly so, as he had already said; but in his opinion, the most brilliant part of the noble earl's conduct was, that even in the midst of his embarrassment, in the very moment of peril, when he expected every hour to be assaulted, and himself, with the whole army, to be put to the sword, he retained and expressed the purest patriotism and love for his country in the anxiety which he shewed for the safety of the fleet! "Do not venture to relieve me; my fate is determined; do not decide the fate of our country by including yourselves in the disaster." But, indeed, the whole conduct of lord Cornwallis was great and distinguished; while enterprize, activity, and expedition was wanted, no man had more of these qualities. At last, when prudence became necessary, he took a station which, in any former period of our history, would have been a perfect asylum. He planted himself in York and Gloucester, and preserved a communication with that which used to be the country and the dominion of Great Britain; a communication with the sea. It used to be the country of an English commander, to which he could retire with safety, if not with fame. It used to be the country in which he was invincible, whatever might be his strength on shore. Here it was that earl Cornwallis was stationed on the borders of Great Britain, and by which he preserved a communication with New York, nay, with the city and the port of London. But even this was denied him; for the ocean was no more the country of an Englishman, and the noble lord was blocked up, though planted on the borders of the sea; nay, was reduced even to thank God, that a British fleet did not attempt his rescue. He said, he was far from meaning to insinuate that Admiral Graves was in fault; the ablest commander in the universe would have acted as he did, even lord Hawke; the great and the gallant lord Hawke, whose name he might now use with reverence, as he was no more (for it was not the fashion to venerate living authorities); and whose memory would ever be held dear, as the father of the British navy, would have acted in the same manner. He who lived during the splendour of the British navy, and who perhaps was

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happy to retire that he might not live in its decline; even he would have acted in the same manner. The hon. gentleman said he had taken a good deal of pains to enquire; he had conversed with the ablest officers on the subject; and he had it in his power to do so, (for all the ablest officers were on shore,) and they declared unanimously, that it would have been madness in admiral Graves to have ventured to attack the French fleet in their position in the Chesapeak; that it could not have been done without the utmost risk of losing the whole fleet, as well as the army that was on board. How different was this from what it used to be in the English navy! In former wars to meet an enemy and to fight, to command a squadron and to vanquish, was the same thing. A British admiral knew not what it was to retreat from a French squadron, or be apprehensive of engaging them. But this, among other things, the earl of Sandwich had introduced into the service of Great Britain. He had made it an essential part of the duty of an English admiral to run away from an enemy. He, that first lord of the Admiralty, who had declared in his place, in the House of Peers, that he deserved to lose his head if he ever failed to have a fleet equal to the combined naval power of France and Spain. He had forfeited the penalty of his bond; the earl of Sandwich had forfeited his head, for the earl of Sandwich had not a fleet in any quarter of the world equal to that of the House of Bourbon. In America, the British squadron, under admiral Graves, amounted to 25 sail of the line. The French squadron, under De Grasse, to 35 sail; in America then we were unequal. In the West Indies a decided superiority against us had been manifested by the occurrences of the campaign. We had lost the island of Tobago; a large Spanish squadron was now triumphant in those seas, unopposed by any British force whatever, capable and ready to do what they pleased. True; we had taken a defenceless island, and disgraced ourselves by the capture; a capture productive of no good, (no national good he meant, for undoubtedly the conquerors would have benefited by the plunder) and by which we had brought upon our name and arms the greatest stigma that could fall upon an enlightened nation, that of barbarity.

In the West Indies then we were inferior, and so inferior that there was not a man of any experience who did not tremble for the safety of our dearest possessions in those seas. Unequal in those two places, it might be thought that our great superiority was employed in some exploit in another part of the world. Where? how? was it in Europe? In Europe, the Channel fleet did not at any time consist of more than 27 ships of the line, and the combined fleets amounted to 47 sail, and blocked up the mouth of the English Channel; claimed the proud dominion of the seas on our coasts, and took within our view a valuable and numerous fleet of traders. In the English Channel, then, we were inferior. But perhaps in the Northern seas there was a great commanding squadron to overcome or to destroy the Dutch marine. Was there so? Admiral Parker met and fought the enemy with an inferior force, and there was a circumstance occurred in this part of our naval management which gave a most striking picture of the Admiralty system. After admiral Parker had written home to inform the Board that the Dutch squadron was much larger that they had given him to understand or expect, they dispatched a cutter to him with the intimation that there were two ships lying at Harwich, fully equipped and ready for sea at an hour's notice, which he might have if he desired them. Instead of sending these ships, in consequence of the information which the admiral had given them, they sent a cutter, and lost the opportunity. Admiral Parker met the Dutch fleet in the mean time, and fought without the addition of these ships, by which, perhaps, and indeed in all probability, he would have procured a decisive victory, and have destroyed or maimed the Dutch force for the rest of the war. But by this ignorant, treasonable conduct, instead of a victory, there was only a drawn battle. But perhaps we had been superior in the Mediterranean, and in the Baltic. No; in the Mediterranean we durst not even attempt to relieve an invested island; the island of Minorca;—nor relieve a blockaded garrison; the garrison of Gibraltar;—two places that were always hitherto considered to be of the last importance. In the Baltic, we had given up the right of fighting, even when attacked; we must not dare to fire a gun in the Baltic. In the European seas, then, we had been unequal to the enemy in all the operations of the campaign. In the East Indies we were not

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superior to the enemy. He had heard in the King's Speech, of the prosperous state of affairs in the East, but he professed he knew of no prosperity in that quarter.—Was there any news of conquest, or of advantage, or even of escape, come from the East? It was a hidden secret to every body with whom he conversed; and he believed, was to be found no where but in the King's Speech. In every corner of the world then, were we inferior to the enemy; and yet, with a fleet diminished and inferior, rendered still more weak by the infamous manner in which it was directed. After the present disaster to our arms in Virginia, with the same men to conduct, and what was worse, with the same system, were we, the representatives of the people of Great Britain, called upon to address the crown, and promise to support his Majesty in the same pursuit that had brought us to this state.

In giving this detail of our situation, he had avoided entering into the minute and subordinate measures of government. He had confined himself merely to the leading features of this management, and of our situation; and though he had not enumerated our domestic grievances, he by no means forgot or despised them. There was one grand domestic evil, from which all our other evils, foreign and domestic, had sprung. The influence of the crown. To the influence of the crown we must attribute the loss of the army in Virginia; to the influence of the crown we must attribute the loss of the thirteen provinces of America; for it was the influence of the crown in the two Houses of Parliament, that enabled his Majesty's ministers to persevere against the voice of reason, the voice of truth, the voice of the people. This was the grand parent spring from which all our misfortunes flowed. But still, as he had said before, this picture of our situation was more distant from dejection than the serious picture of the hon. gentleman who spoke before him; for all these calamities were connected with the system, and the men in power. Change the one *in toto*, and remove the other, and you would purify the fountain-head, by which all the flood was contaminated.

He called upon the House to know whether they were still ready to go on with this accursed and abominable war. He called upon them as the representatives of the people, and not as the creatures of the minister, to do their duty; to execute the trust reposed in them, and to act up to the sentiments that they really felt. Did they really believe that we could ever conquer America? He desired them to lay their hands upon their hearts, and proclaim in the presence of God and men, whether they thought that all the power of Great Britain, strained and exerted, was equal to the task. He would leave the question to this conscientious test, and he would venture to say, that if no man, but he who thought the contrary of this, would presume that night to vote for the Address, the minister would be left in the smallest minority that was ever known in that House; nay, he believed in his soul, that the minister himself would vote against the war. Were they determined rashly and vehemently to go on? Had they not done enough for the minister, and was it not now sufficient time to do something for their constituents? In his own opinion, no address whatsoever should be sent up to the throne, until they had an opportunity of going down to their constituents, and consulting with them on the matter. They, and they only, were to pay for the continuance of the war, and it was fit and necessary that they should give their instructions. But though this was his own immediate opinion, he was willing to take a more gentle course, for he desired unanimity as much as the hon. gentleman who spoke before him; and therefore he would move to amend the motion for the Address, by the substitution of a clause, in the room of a great part of that now in the hand of the Speaker. The violent epithets and abuse against the French, though he did not approve of them, were yet become so familiar to the House, and the ministry were become so much in love with them, perhaps using them to conceal their good offices in a more substantial way, that he did not very earnestly object to them. The part to which he could not agree was all that which went to the continuance of the American war, and which was couched in the most cunning and insidious language. The amendment which he should propose would give his Majesty the assurance of their loyalty and zeal, and would promise in a more effectual way to support the essential rights and permanent interests of his empire. He concluded with moving, to leave out from the words "and we" in the third paragraph to the end of the para-

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graph, in order to insert these words, "will, without delay, apply ourselves with united hearts to propose and digest such counsels as may in this crisis excite the efforts, point the arms, and, by a total change of system, command the confidence of all his Majesty's subjects," instead thereof.

Mr. *Minchin* seconded the amendment. He said it was absolutely necessary now to become serious; we had too long dealt in the language of flattery and falsehood. The Address moved for was founded on the basis of flattery, and not of truth. It was calculated to mislead his Majesty into a belief that the people were favourable to the American war, and willing to support him in the continuance of it. They were no such thing. They abhorred the war; and, whatever ministers might say, nay, whatever their adherents, the members of that House, might say, the people would not go on from year to year, draining their blood and treasure in the prosecution of a war which they heartily condemned both in the principle and progress. For, said he, while we are going on with this dangerous and expensive war, without honour, and without advantage, we are increasing a sum, already above 200 millions, by an addition of 32 for the expence of the current year. Where are we to stop? Are there no bounds; no moderation; no discretion with regard to expence? The minister congratulates himself that our taxes, however numerous, are not burdensome; they are laid upon luxuries, and not upon necessaries. But whatever is taxed in a commercial country must terminate with necessaries. Misfortunes cannot teach; ruin cannot correct the obstinacy of ministers; it deserves a harsher name than obstinacy. We have seen our fleets disgracefully running before the French fleet, or cooped within the chops of the Channel. He said, he had the highest opinion of the bravery of admiral Darby, nor did he mean to throw the most trifling censure upon him. Indeed he believed that he acted as the greatest prudence directed, and in the only sure manner for the welfare of that fleet which was under his command. It was not to him that we were to attribute the disgraceful mockery of the last campaign. With a fleet so very inferior to that of the enemies, he could only consult the safety of his country by avoiding an engagement. To that wretched system of Admiralty management, which had reduced the fleet to what it was, we must attribute the disgraces of the last campaign. That system which had driven so many brave and able officers from the service, and which had distracted and insulted those that remained; that system of which the earl of Sandwich was the patron, and ought to be the victim. It was not enough that they should by mismanagement and injustice; by seeking only the increase of parliamentary influence in the promotions which were given, and the appointments that were made, by substituting in the room of fair and just œconomy, plans of unwise parsimony in the dock-yards, and driving by that means into the service of our enemies the ablest mechanics in the yards; and by the same plans introduced into the ships, driving also to foreign countries the most serviceable petty officers, who were the best acquainted with the discipline of our fleets; by which we had taught the enemy our art of building as well of conducting our ships. It was not enough by these means to weaken, to reduce, and to distract the navy; but this little diminished and divided force must also want the benefit of wise, able, and vigilant direction; for though they lavished immense sums in secret service money, they yet procured no article of foreign intelligence; no circumstance of useful information. While Frenchmen were found hardy enough to dare death and infamy with all their concomitant terrors, we had no one to give us any account of any manœuvre of the enemy; of any project which might take place, or any scheme which was intended to be effected. Our war, as it was deficient of an end, was also wanting of a system. This circumstance was clearly and most curiously proved in the course of the last summer, when the French and Spanish fleets appeared at the mouth of the Channel, without the minister's knowing any thing of the matter. When it was published in one of the newspapers they denied the fact; their adherents were employed to contradict it, and though the paper persisted in its information, they continued obstinately ignorant: nay, the admiral commanding at Plymouth, sent tidings of the fact to Bristol, and sent the news for the safety of the trade, and that the merchants might have the means of preventing many captures; it was a most singular fact, that the naval commander at Bristol, on the day that he re-

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ceived this intelligence from Plymouth, received also an express from the Admiralty, informing him that it was no such thing, and that their lordships did not believe that the combined fleets were out of port. So little did they know of the transactions of our enemies and of the danger of the empire! The merchants of Bristol did as they ought; they believed the letter of lord Shuldham, and paid no regard to the intelligence of the Admiralty; they kept their vessels in harbour, and saved them from the jaws of the enemy. This was one glaring instance, out of many, of the extreme negligence, incapacity, ignorance, or treachery of the Admiralty. It fortunately happened for the deliverance of the country in this instance, that Providence interfered, and sent a tempest to drive the enemy from our coasts. Another instance had occurred in the course of the campaign equally glaring, and in the issue more eventful. They sent admiral Parker out to fight the Dutch with five ships, assuring him, that with that force he was much superior to the enemy, for they were so weak, unprovided, and incapable, that they could not send out a squadron equal to five ships of the line. After this another ship was sent to give him a great and decisive majority; another joined him by mere accident, the Berwick; and yet with all these, when the Dutch came out of the Texel, they proved to be much superior to him; and in an engagement fought with all the ancient valour of the two nations, they parted on equal terms. Admiral Parker wrote home that he found they had been misinformed with respect to the force of the enemy, and retired from a situation in which it was vain to expect to do service to his country, though he might gain by his enterprize immortal honour for himself. Such was the administration of this naval board, and such was the conduct of the men with whom we were still to intrust the most important part of the strength of Britain! To this it was impossible that he could agree; and to this the Address, as proposed by the young gentleman on the opposite side of the way, absolutely went. He therefore seconded the amendment of his hon. friend. The able and comprehensive speech which he had made, had precluded him from saying many things that he had intended; and he should conclude, with a warm recommendation to the House, to adopt the amendment, by which the system would be changed, and the nation be saved.

Lord *Mulgrave* said he had not intended to have spoken, if circumstances, which were manifestly false, had not been adduced in argument. He said the hon. gentleman who spoke last but one had asserted, that all the men of any naval eminence were on shore and unemployed. The contrary was the fact. In particular he could point out one admiral who had carried the glory of the British flag as far as it had ever been carried; though he was at this moment on shore, yet he was speedily to take again the command of the fleet in the West Indies. That admiral would in future be ranked among the first naval characters of this country. To argue from a loose expression uttered some years ago by lord Sandwich in the House of Lords, and to bring it into debate now, was neither candid nor parliamentary. He averred that the noble lord was not criminal in his conduct. He had acted throughout the whole of his administration with a real assiduity and vigour. He asserted that our navy was so far from being inferior in strength to the situation in which the noble lord found it, that it was even superior to its boasted state in 1759; for, at this moment we employed no less than 118,000 seamen and marines on board the royal navy; a greater number than ever was employed at any former period of our history. He insisted that the noble lord was by no means to blame, for not being able to make greater exertions, or producing more success; the fault lay not with him; it was in the nature of our situation, fighting combined powers, who dragged us to every quarter they pleased, having, from their superiority in numbers, the power of choosing in what quarter of the globe they should wage the war. But it was by the accumulation and strength of our enemies that we were inferior. The first fleet that lord Sandwich had sent into the European seas, he averred, was superior to the enemy. The administration of the Admiralty-board, that had preceded that of the noble lord, had been too parsimonious: and the effects of their parsimony were felt to this day; that parsimony was, in a great measure, the cause why our exertions were not greater by sea as it operated upon the number of our ships. It had increased much under the direction of the noble lord at the head of that department: and that too in contradiction to those very men

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who now censured his conduct, and who desired the navy not to be increased from œconomic motives. The parsimony of that noble lord whom he had praised so much, and the system then pursued with the concurrence of the opposition, the system of lord Hawke, had crippled the British navy; and it was a notorious and disgraceful fact, that at the time of the contest about the Falkland islands, we had not a fleet to send to sea. It was very true that the difference with America had deprived us of a considerable supply of naval stores, as well as of mariners; but even with this disadvantage, such had been the exertions of the noble lord, that the magazines had been, and were now plentifully stored. If the hon. gentleman chose to turn his great historical knowledge to the other side of the question, he knew that he could prove to the satisfaction of the House that we are not, nor ever were, equal to France in a naval contest, where France applied all her resources and strength to the raising of a navy. He asserted, that in the reign of king William, France was superior to us and Holland. In the reign of queen Anne it was likewise superior. To call this a disgraceful war was ungrateful and ungenerous. It was calamitous, but not disgraceful. It was a war in which the honour and spirit of the nation had been carried as high as at any period of our history. It was not unlike that mode of prophesying, which, though it had always the good fortune of proving false, yet had tended to add courage to our enemies: facts which only wanted time to disprove themselves: such as what we have frequently heard in these walls; the Germans will all desert, the English sailors will not fight against the Americans: how true these prophecies were time had evinced. With respect to the fact mentioned by the hon. gentleman of the cutter that was dispatched to admiral Parker, it was not correctly nor candidly stated. When admiral Parker wrote home that he suspected the Dutch force to be greater than the Admiralty had apprehended, a cutter was sent to inform him, that one ship, the Berwick, then in the north seas, had orders to join him, which she accordingly did, and that there was another line of battle ship lying at Harwich, which he might have if he liked. Was there any thing absurd, or negligent, or treacherous in this? Would the hon. gentleman have had the Admiralty to send the ship without knowing whether she was wanted or not? He had thought proper to say thus much to defend the First Lord of the Admiralty against the aspersions which had been thrown on him unjustly by the two hon. gentlemen who had spoken before him. It was his sincere opinion, that the noble lord was as honest a man and as able a naval minister as ever filled that department.

Admiral *Keppel* spoke a few words in answer to the noble lord. He reprehended him for the vehement manner in which he had seized on a hasty expression of Mr. Fox, and thundered it out as an unjust aspersion on many brave and gallant officers now fighting the battles of their country, and whom it would be base and disgraceful in any man to revile. There were officers in the service every way deserving the appointments which they held, and he knew the hon. gentleman to be incapable of insulting them; but the noble lord had ungenerously, and in his opinion uncandidly, taken up an expression delivered in a parenthesis, and to which, he sincerely believed, no gentleman in the House applied the meaning given to it by the noble lord but himself. The noble lord had said, that the first fleet which lord Sandwich sent into the European seas to fight the French was superior to the enemy; he denied the fact; it was not true. It had been before this time advanced, and before this contradicted. At the time of his court-martial, he had called upon the Admiralty board to produce the official list of the strength of the French fleet, which they refused to do: Do it yet; produce that list! said the hon. admiral with some warmth, and do not come here hazarding assertions, which, when called upon, you will not avow, and dare not, because you cannot prove. The noble lord had said, that the parsimony of admiral lord Hawke was the cause of our present weakness. He denied that also. Lord Hawke was truly, as Mr. Fox had said, the father of the British navy, and he had left the English fleet in a flourishing condition; flourishing for a time of peace; and if the present First Lord of the Admiralty had done his duty; if he had faithfully and diligently applied the immense grants of parliament to the increase of our navy, or had even ably directed, employed, and applied the naval force which he really possessed, the misfortunes of this war would never have occurred. The last was the severe charge which he had to

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bring against the noble lord; the misapplication of the force with which he was intrusted; and, if the House would call for the papers which he would point out, he pledged himself to prove to their conviction, what he averred upon his knowledge to be true.

Lord *Mulgrave* rose again, and maintained what he had said before, that Mr. Fox's expression was, "for all the able officers are on shore." These were the terms, and he had no way of collecting his meaning but from his words.

Mr. *Thomas Pitt* said, that if the hon. gentleman (Mr. Fox) had made use of unparliamentary language, in speaking of what a noble lord had said in the other House, he was sure he did not mean to infringe upon the orders of that House; but from the conviction, that whatever or wherever a gentleman speaks, it ought to be truth; and he must say, that it looked suspicious in rejecting to be tried by his own assertions. What! was it honourable to take refuge in a parliamentary order against so serious a charge as the degradation, if not the ruin of the British navy, and with it the ruin of the British empire? Was this honourable, or did it look like conscious innocence and manly fortitude? The noble lord persisted in misrepresenting the hon. gentleman against the sense and candour of the House. The hon. gentleman had clearly and evidently said no more than, that many great, gallant, and experienced officers were on shore; driven from the service by the system of the Admiralty. Was it not the fact? But did this include a charge against these officers who were employed? By no means. —The hon. gentleman then condemned the whole plan and conduct of administration. They were engaged in a disgraceful pursuit, for they seemed to be actuated by the worst of motives. He said, that gentlemen ought not, for the trifling ambition of momentary greatness, the petty and insignificant baubles of fortune or situation, to press measures which must make them odious to posterity. In the page of the historian the laudably ambitious should expect his character. Ambition was a public and a generous virtue: it studied and pursued the exaltation of its country; but theirs was not ambition: it was a passion of a nature too base to be mentioned in that House. He conjured gentlemen to consider the diminution of national honour. He conjured them by their private interest, which must come diminished to their families. The motion for the Address shewed, however, the torpidity of mind, which he feared did not promise to procure this consummation so devoutly to be wished. The *lacrymæ rerum* did not touch them. He applied himself to the country gentlemen: but he declared, he looked upon it, that there was no public, no parliament, or we could not go on without bringing to account those who had brought this country to its present disgraceful situation.—He had no wish for a change of ministry: it was equal to him who were in that situation. He neither desired nor would accept of trust. No matter what set of puppets worked the dismal scene: whether one low little set of men on that side of the House, or another low little set on this, while the system remained, and the secret poisoning influence which it had begun with, and continued through the whole of the present reign! He declared to God, he hoped that the present ministry might continue in their situation until they brought the affairs of this nation to that crisis which might be accompanied with the suitable reward, either of punishment or glory. For his part, he approved of the amendment; but he would nevertheless, should that amendment be carried, vote against the Address, as he thought it at once superfluous and improper to vote any Address. His Majesty had sent us his thoughts, and the House was to consider of those thoughts. He declared for one, that he would not consent to give one shilling of supply to support the present war; a war to which the country gentlemen had unfortunately given too much countenance. He requested the country gentlemen, therefore, to consider what could be done to retrieve the nation from its very calamitous situation. He was sure he was parliamentary in his conduct, for as a member of that House, he had the care of the public purse, and it was as much the province of a member of that House to take care of it as it was a prerogative of the sovereign to declare war and proclaim peace.—In reply to what the noble lord had said, that it was a war more calamitous than disgraceful, he said, that in his opinion, it was both the one and the other; disgraceful in its principle, and calamitous in its progress. The hon. gentleman (Mr. Fox) had said, that we ought to go down to the people of England, and receive their instructions, before we pledged ourselves to the continuance of

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the war. This was exactly his opinion, and what he begged leave to recommend. In a fortnight they might do this, and it was his sincere advice to withhold all supply till this was done.

Lord *North* contended that the Address ought to meet the unanimous concurrence of the House. He adverted to what had fallen from Mr. Fox, that he believed his Majesty's ministers received the pay of France. [Mr. Fox said across the House, that he did not say he believed, but that they could not act more for the interest of France if they did receive salaries from that kingdom.] The hon. gentleman, said the noble lord, it seems, did not say he believed it; I give him credit; I am convinced he did not believe it, nor any man in the House, nor in the kingdom. He would not follow the hon. gentleman through his very long enumeration of misfortunes, arising, as he had said, from misconduct, incapacity, or treachery. Whatever might be their abilities, he was convinced that his Majesty's ministers were zealous in the service of their country; and if they had been wrong, it was an error of judgment, and not of the heart. They had prosecuted the American war, not with the infamous design stated by the hon. gentleman, of aggrandizing the crown at the expence of the constitution, and making the subjects slaves that the king might be despotic. If they had entertained this design; if they had desired to give the crown an increase of power by American connection, they had thrown away the opportunity. The Americans had no objection to submit to the authority of the crown; they offered, and desired that they should remain obedient and loyal to the crown; but they objected to all dependence on the parliament. They would suffer the King to reign in America without the interference of the legislature. It was to the claims of the parliament, and not to those of the sovereign, that they were adverse. It was therefore highly unjust and injurious to say of ministers that they had instituted and persevered in this war for the purpose of adding influence to the crown: it was for the sake of the constitution; it was to preserve the supremacy of the parliament of Great Britain; to preserve their just rights and privileges, that they had gone to war with the colonies; and that they had maintained it amidst all the clamours and opposition that they had met with in that House. They had looked forward to the unity of the British constitution, and had forgone the offer of separating the King from his parliament, and advancing one branch of the legislature to the dominion of America, independent of the other two. Was not this the fact? Did not men know that the Americans wished to be governed by the King and their own assemblies; and that they went to war because they would not be governed by the legislature of Britain? The argument therefore against the principle of the war was unfounded. The principle was just, and consistent with true policy, if it was true policy to preserve entire and unbroken that old and venerable constitution of government, composed of King, Lords, and Commons, for which our fathers had bled, and which Europe envied. This was the principle; the principle was right; and he would always justify it in the face of the King and his country.—It was objected to the Address, that it bound the House to the continuance of the American war. This was a mistake: the Address did not pledge the House to the continuance of the American war, or to any form, or shape, or size of it. The Address only declared to his Majesty, that they would support the measures which should be undertaken, or continued, for the preservation of the essential rights and permanent interests of the empire. There was no word of continuing the American war: it was not mentioned in the Address at all. Gentlemen were left at liberty to agree to or object to the future measures that should be proposed: all that they pledged themselves to was to act with vigour in supporting the essential rights and permanent interests of the empire. It was the opinion of his Majesty's ministers, and he trusted it would be the opinion of every man in the kingdom that we should, in the present moment of real and serious alarm, act with the energy which was necessary to our deliverance. We had been unfortunate, and a melancholy disaster had befallen our arms in Virginia; but must we lie down and die? Must we give up the conflict, because we had failed in this particular instance, or because we had failed in other instances? No: it ought to rouse us into action; it ought to impel, and urge, and animate us: for by bold and united exertions, every thing might be saved; by dejection and despair, every thing must be lost. This was his opinion: it was the opinion of his Majesty's mi-

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nisters; and he trusted that it would be the opinion of parliament, and of the people. This was all that was declared in his Majesty's Speech; that neither the temporary inconveniences of his subjects, nor his own strong desire for peace, should prevail upon his Majesty to abandon the essential rights and permanent interests of his kingdoms. Was the House ripe to give up those rights and interests? He hoped not. Upon this ground it was, then, that his Majesty's ministers came down, and desired, and they did not think themselves audacious or impudent in desiring, the concurrence and support of parliament in prosecuting this true and just system of policy. It had been said, that it was a war of avarice, of ambition, of prerogative: he denied the fact; it was a war of constitution. The hon. gentleman had threatened him with impeachment and scaffolds; but that should not deter him from the preservation of the rights and legislative authority of parliament. The question was, in respect to the war, whether they were inclined to resign their rights as a parliament, or with firmness address his Majesty with an offer of such vigorous aid as might, in the end, procure a peace consistent with the legislative powers over the colonies. In respect to himself, he was ready at any time to stand an inquiry into his conduct: but whatever might be his fate, he would still persevere in supporting the right of parliament. The war with America had been unfortunate, but not unjust. He had at all times thought so; and should he hereafter mount the scaffold for that part which he had borne in the administration, he should continue to think so: it was not a war of ambition; it was not a war of administration; it was a war founded in right, and dictated by necessity. With regard to the present Address, there were three modes proposed for consideration: the Address itself, which proposed to assist his Majesty in attaining his just rights; the amendment, which proposed a change of men and measures; and a sullen silence without any address. This last mode, he said, he decidedly disapproved, as neither being precedented nor parliamentary. As to the two former, he had declared his opinion of the war; it would be to act in contradiction to that opinion not to vote for the Address, which proposed to support it.

Mr. *Burke* with great warmth reprobated the language of the noble lord. He averred, that it was impudent, it was audacious; it was something worse, it was insulting in his Majesty's ministers to look parliament in the face, and talk such language as they had that moment heard from the mouth of the noble lord in the blue ribbon. He said, if there could be a greater misfortune than those we had undergone in the disgraceful contest we were engaged in, it was hearing men rising up in the great assembly of the nation to vindicate such measures: it was the most alarming part of our condition; it was that which froze up his blood, and harrowed up his soul: for if they were not to be taught by experience; if neither calamities could make them feel, nor the voice of God make them wise, what had this poor, fallen, miserable, and undone country to hope for? He was an enemy to dejection, and he never would recommend or preach despair; but if any thing could tend to deject the people of England, to make despair of their situation, and resign themselves to their fate, it was to hear their ministers come down, after what we had suffered, and impudently tell them that they were determined to go on with the American war. A battle might be lost, an enterprise might miscarry, an island might be captured, an army might be lost in the best of causes, and even under a system of vigour and foresight; because the battle, after all the wisdom and bravery of man, was in the hands of heaven; but if either, or if all, of these calamities had happened in a good cause, and under the auspices of a vigilant administration, a brave people would not despair: they would be animated by their injuries; they would collect energy from disappointment; and feeling and knowing that a great and a good ministry would be instigated, in such a case, to strike some bold, new, and decisive stroke, they would arm, and resolve to second them; they would gather reinforcement from their hopes; and with a new soul they would proceed to the execution of whatever their ministry would project, and their leaders undertake. But it was not so in the present case. As his hon. friend had well described it, amidst all their sufferings and their misfortunes, they saw none so bad, none so distressing, as the weakness or the wickedness of their ministers. The noble lord said the war was not disgraceful, it was only unfortunate: for his own part, he continued to call the war disgraceful, and not unfortunate; and he was warranted so to call it. Unfortunate was an epi-

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thet only to be annexed to occurrences wherein fortune only was concerned. The destruction of the Spanish armada, which was properly fitted out, was unfortunate; but surely the stroke against lord Cornwallis could not be termed so. Fortune had nothing to do with it: there was no foresight, no plan laid down, and every man must from thence conjecture the event: and we were now to go on without plan and without foresight in this war of calamities; for every thing that happened in it was a calamity. He considered them all alike, victories and defeats; towns taken, and towns evacuated; new generals appointed, and old generals recalled: they were all alike calamities in his eyes; for they all spurred us on to this fatal business. Victories gave us hopes, defeats made us desperate, and both instigated us to go on; they were therefore both calamities: and the King's Speech was the greatest calamity of all; for the King's Speech shewed us the disposition of the ministers; and this disposition was not to retreat an inch; to go on, to plunge us deeper, to make us more disgraceful and more unhappy.

But the noble lord says, the King's Speech does not call upon us to go on with this war. What then, does not the noble lord know what the King's Speech was? Is he as usual, ignorant of what he brought down in his pocket? Perhaps it was made and spoken without his advice: but as plainly as language could imply; for indeed it was not the way of his Majesty's ministers to speak like other people; they had always a method of their own, a sort of hocus pocus style, which would translate either this way or that way, as might suit their immediate purposes; for the purpose of to-day was not with them the purpose of to-morrow: he said, as plain as ministerial language could speak, the King's Speech and the Address called upon and pledged the House to the continuance of the American war: but he would read the passage, and see if any gentleman could doubt the fact: "And we receive, with the strongest emotions of duty and gratitude, your Majesty's gracious and endearing declaration, that you should not answer the trust committed to the sovereign of a free people, nor make a suitable return to your subjects for their constant, zealous, and affectionate attachment to your person, family, and government, if you consented to sacrifice, either to your own desire of peace, or to their temporary ease and relief, those essential rights and permanent interests, upon the maintenance and preservation of which the future strength and security of this country must ever principally depend. We declare, on our part, that we know no means of making to your Majesty any return so suitable and so just, and of answering the great trust committed to us by those whom we represent, as by giving your Majesty this firm assurance, that we are resolved to assist and support your Majesty, to the utmost of our power, in maintaining and preserving the essential rights and permanent interests of your crown and people."

What was this but a clear unequivocal declaration, upon the one side, to go on with the American war; and upon the other, a pledge to support it? This was immediately followed by a lamentation for the loss of the army in Virginia, and this by a harsh invective against our restless and invidious enemies. We are made to declare that their principal design was to foment and maintain the rebellion in North America;—and—and we are made to declare, that we will, to the utmost of our power, prevent them from doing this; for see—

"We are fully persuaded that the principal view of the confederacy of our enemies was to foment and maintain the rebellion in North America: and, under the specious delusion of the establishment of an independent empire, to render your Majesty's colonies subservient to the power and influence of the crown of France: but your Majesty may rely on our steady assistance to second your Majesty's endeavours to defeat the dangerous designs of our enemies, equally prejudicial to the real interests of America and to those of Great Britain."

We are to give our steady assistance to second his Majesty's endeavours to defeat the dangerous designs of our enemies. What are the designs of our enemies? to foment and maintain the rebellion in North America. Was not the American war contained in every line of this? But farther still: we were to prevent the dangerous designs of our enemies for another reason, because the independence of America, to which these endeavours tended, "was equally prejudicial to the real interests of America and to those of Great Britain." So that we were to go on with the war out of pure affection and friendship to America; and to a certainty we

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were to go on with it. Did the House require any more evidence? If they did, there was evidence at hand: for if the Speech and Address had not spoken sufficiently clear, the noble lord himself gives a full, clear, and decisive explanation of it: For what does he say? We went to war with America for the purpose of maintaining and preserving "the essential rights and permanent interests of this country." What, does his Majesty in the Speech say, and what does the House in the Address thank him for saying? What, but for the gracious and endearing declaration, that neither his own desires, nor the temporary inconveniencies of the people, should make him think of giving up a contest for the essential rights and permanent interests of this country. The noble lord says, we went to war for the maintenance of rights; the Speech says, we will go on for the maintenance of rights. It was but one story from the beginning to the end: it was, and had been for seven years, nothing but American war, American war, American war; and it would be American war to the end of the chapter.

But he must speak a few words on the matter of these rights, which had cost us so much, and which were likely to cost us our all. Good God! Mr. Speaker, exclaimed the hon. gentleman, are we yet to be told of the rights for which we went to war? Oh, excellent rights! Oh, valuable rights! valuable you should be, for we have paid dear at parting with you! Oh, valuable rights! that have cost Britain thirteen provinces, four islands, a hundred thousand men, and more than seventy millions of money! Oh, wonderful rights! that have lost to Great Britain her empire on the ocean, her boasted, grand, and substantial superiority, which made the world bend before her! Oh, inestimable rights! that have taken from us our rank among nations, our importance abroad, and our happiness at home; that have taken from us our trade, our manufactures, and our commerce; that have reduced us from the most flourishing empire in the world to be one of the most compact, unenviable powers on the face of the globe! Oh, wonderful rights! that are likely to take from us all that yet remains! What were these rights? Could any man describe them; could any man give them a body and a soul answerable to all these mighty costs! We did all this because we had a right to do it: that was exactly the fact. "And all this we dared do, because we dared." We had a right to tax America, says the noble lord; and as we had a right, we must do it. We must risk every thing, we will forfeit every thing, we will think of no consequences, we will take no consideration into our view but our right, we will consult no ability, we will not measure our right with our power, but we will have our right, we will have our bond: America, give us our bond; next your heart we will have it: the pound of flesh is ours, and we will have it. This was their language. Oh, miserable and infatuated men! miserable and undone country! not to know, that right signified nothing without might; that the claim, without the power of enforcing it, was nugatory and idle in the copyhold of rival states, or of immense bodies! Oh! says a silly man, full of his prerogative of dominion over a few beasts of the field, there is excellent wool on the back of a wolf, and therefore he must be sheared. What! shear a wolf? Yes. But will he comply? have you considered the trouble? how will you get this wool? Oh, I have considered nothing, and I will consider nothing, but my right: a wolf is an animal that has wool; all animals that have wool are to be shorn, and therefore I will shear the wolf. This was just the kind of reasoning urged by the noble lord, and this the counsel given by him. The Americans have money; we want it, we will have it. They resisted their claim; they fought their battle for a time themselves, at last called in an ally; they are joined by the French, and conjoined they have forced your armies to surrender; and yet the noble lord at this moment comes down and tells the parliament of the nation that he has ruined, insolently tells them, that we are fighting for a right: he said insolently, for it was an insult upon the patience of the parliament. But he begged pardon, he agreed with the hon. gentleman (Mr. T. Pitt), that there was no parliament, no people, or else such language, at such a day, would not be hazarded, much less suffered.

But this was like all the rest: it was only a fresh attempt to impose, to delude, and to draw on the people. He went into a recital of the various stories which they had told, and of the various doctrines and various plans which they had held and abandoned, and taken up again. But what had our war with America been, but

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a continual series of marching and countermarching, of taking and evacuating: indeed the different places in America seemed to undergo an excrementitious evacuation, analogous to that of the human body: and the noble lord comes, says he, and recommends to us an Address, assisting, says he, to carry on this very useless if not very injurious war; and this is to be in the language of clapping on the back, "who's afraid?" and such other vulgar cant; for, divesting it of its phraseology, what else is the echo of the royal speech, but those same vulgar expressions, couched in better terms?

He was averse from deceiving and amusing the people with what he felt impracticable. He trusted a day of reckoning would come; and whenever that day came, he should be able, by impeachment, to bring upon the heads of the authors of these unhappy affairs the punishment of them. The nation, as an animal, was dead; but the vermin which fed on it had still an existence. He had looked cautiously at the conduct of lord Cornwallis; his gallantry he attested; but what had his operations been, but marching and countermarching from north to south, from the mountains to the sea, and from the sea to the mountains. This had been to deceive the people here, and make them believe that we had a proportionate interest in the country to the extent of territory traversed; and to confirm this, and to prove the certain subjugation of Virginia, lord Dunmore was sent out to be governor. But the operations of the Americans were certain, though silent; and though tardy, effective. Where real generalship was to be manifested, they had shewn it. Nor was this the only instance of captured armies: where was general Burgoyne's army? *Redde nobis legiones.* Give us back our force, nor protract this burthensome, disgraceful, for it is not an unfortunate, war, which, "like a wounded snake, drags its slow length along;" let us not hug in our bosom that snake, which will sting us even to the last agony of dissolution.

Earl *Nugent* spoke shortly on the point, that the Speech and Address did not pledge the House to the continuance of the American war. The hon. gentleman's oratory could do any thing; it was fascinating, it had the power of incantation; but it was not an easy thing to create something out of nothing. There was no ground in the Address for the hon. gentleman to go upon. The House were desired to pledge themselves to the support of the rights and interests of this country; and surely they would all do that. They were not to lie down and die, because they had met with a misfortune in Virginia. They were to be aroused by it; they were to snatch new courage from it, and be doubly armed and doubly active. If they must fall, let them in the name of God perish like Britons, "greatly falling with a falling state," if it was a falling state, but which he could not by any means allow. He was not for despondency: but as to the American war, he confessed he had his thoughts about it; he thought things grew worse and worse; and he was come to think, that it would be more advisable even to acknowledge their independency, than to go on playing the same losing game against them, by pursuing the war in the same way as we had done; nay, in fact, it would be policy to acknowledge their independence. But we would come to talk of the American war another day. The business now was to vote a suitable answer to the King's Speech; and the one proposed was, he thought, very proper.

Colonel *Barré* confessed that he came with the greatest coolness of temper to the House; but his feelings were so hurt at the Address, and the speech of the minister, that it was with the greatest difficulty he could restrain his indignation. He took a retrospective view of our late losses and proceedings in the colonies and the West Indies. In one year we had lost Dominica, the following year Grenada, the next St. Vincent, and now we had lost Tobago. Here he proved the defence was so small, in respect to soldiery, that there were only 41 men in the garrison, and there were three cannon and four mortars to one man. He was sorry to differ from the hon. gentlemen who had asserted, that we had no public. We had a public, otherwise that never could be a parliament. As the noble lord boasted so much of his resources, he called upon him to know where they might be found. It was true, there had been a subscription begun, which had never been filled, although a certain nobleman in office had given 2,000*l.*, another 1,000*l.* another 20*l.*, &c. But these were not sufficient. He confessed the noble lord, in the blue ribbon, was a most able financier: that he would bring tax upon tax. It was his boast to levy no burthens but on luxuries.

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However, experience told us, that taxes always decreased the consumption of necessaries. Was the noble lord to be acquainted that tonnage had decreased from the year 1755 to 1779, in the proportion of five to three? From these and other reasons, he should oppose any address, or vote of supplies, until the state of accounts was fully and critically examined. The noble lord observed art in the mode of calling together the members of that House. Formerly, they were used to be assembled in October. Now it was the latter part of November. The reason of this he believed was, that such of the members who were obliged to attend their regiments encamped in the summer, not thinking it necessary to come to town for so small a time before the adjournment for the holidays, were thereby prevented from opposing such votes of supplies as were hurried through the House before they came to parliament. The minister did this on purpose. This was another reason for his deferring the Address and any promise of future grants to administration. But the most forcible reason that he had for wishing to defer the Address was, that he sincerely wished to see the plan adopted, recommended by two hon. gentlemen, of calling their constituents together, and taking their advice in this critical and alarming moment. It was an honest parliamentary custom, as ancient as the constitution itself, and was the best means in the defective and much altered state of delegation, of reviving the true British practice of collecting the sense of their constituents.

Lord *George Germain* rose, and spoke with regard to the farther prosecution of the American war. Certainly it was not the intention of his Majesty's ministers to bring the House, by an underhand and insidious vote to pledge themselves to the farther continuance of it; and he was a good deal surprized to hear gentlemen gravely argue that the words of the Address conveyed that meaning. He did not know how they had discovered it to signify so much. Certainly it called upon members to pledge themselves to support such measures as should be necessary to the maintenance of our essential rights and permanent interests, and so far as the American war went to that end, but no farther, did they pledge themselves. It would afterwards become a question, whether the American war should be prosecuted or not? When a specific proposition to that effect was before the House, then would be the moment for gentlemen to declare their opinion; with respect to his own opinion, it was perhaps needless for him to say, that he had entertained hopes of a better fate to the gallant army under earl Cornwallis. It was a most calamitous disaster, and what he should lament to the end of his life; but he was ready, for the share which he had in it as American secretary, to meet the strictest enquiry. The share which he had had in all the measures of the American war, he was ready to avow and to justify. He had acted from the purest motives. If gentlemen imagined that he was enamoured of his situation, they were mistaken; they had often heard his sentiments on this subject; he had never solicited the office; he had been called to it, and he was ready, without reluctance, to quit it; at the same time, he was not to be browbeaten nor clamoured out of it: when it should please his royal master it would please him.—The noble lord said, he had never been so sanguine as to believe, that we could reduce America to obedience by force of arms. All that he had ever believed, and that he had ever wished for was, to support and give efficacy to the struggles of the loyalists against the inimical. He had always understood that the loyalists were numerous, and that they wanted nothing but the assistance of the English arms to give them a decisive authority in the colonies. If he was in error, it was an error in which he still remained, for he yet believed that we had many friends in the colonies, who would be happy at a reconciliation with this country, upon terms of dependance. He would never be the minister who should give up that dependance. He thought that this country depended upon its connection with America for its very existence. Take away America, and we should sink into perfect insignificance; preserve it, and he would venture to say, it was yet the brightest jewel in the crown.

Mr. *Daubeney* spoke with great heat for the farther continuance of the American war. It was a war founded in justice, and necessary to the honour as well as the interests of this country. In saying this, he knew that he spoke the sentiments of the city which he was called upon to represent. The citizens of Bristol were willing to sacrifice half their fortunes in the prosecution of it.

Viscount *Maitland* spoke forcibly against the Address and the farther pro-

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secution of the American war. He said that it was the most idle and ridiculous thing in the world to assert that the House were not pledged to the farther continuance of the American war. They certainly and clearly were so. He was astonished that ministers should persevere in what they saw was so much against the wishes and the inclinations of the people. Had they no apprehensions of the vengeance of a free, a great, and a suffering people? But he was sorry to say, that that vigorous spirit which used to distinguish us as a nation, seemed now to be latent in our bosoms, if not altogether extinct. There was an indifference about every thing which respected the nation, that made him tremble more than the foreign dangers which surrounded us. There was not a people in the world, except ourselves, who would not have been aroused by the calamity, and have plucked those men from the authority which they had abused. But we were wedded to misfortune. They had made disaster familiar to us. Were they not apprehensive of the future historian? If they were perfectly indifferent of their present figure, what would be said of them? What would even the most favourable and partial friend say of them in writing the history of the present time? They had a specimen of what they were to expect, in the writings of one of the greatest historians now living (Mr. Gibbon), who had praised them for the discovery of the little insignificant island of Otaheite, to cover the shame, or to conceal their loss of the continent of America. He adverted to what Mr. Orde had said of the duty there was of the people appearing in suits of armour before the King. He said it would have a much better effect, and would sooner restore us to our native grandeur, if the people would appear in suits of armour before the ministry.

Mr. *Rigby* adverted to what had fallen from Mr. Fox, relating to an assertion which had dropt from him at a former period. It was very true he had said, that if the conquest of Charles-town did not operate decisively in our favour, he had determined to go no farther, for one, in its prosecution. It was his sincere honest sentiment, that it would be madness to persevere in the war, against the evidence of positive and avowed disaffection. If he saw that it produced no effect upon the minds of the people in that country, that they remained sullenly inimical to Great Britain, rejecting her proffered friendship, then he should abandon all hopes of reducing America by force. He had said this then; he said it now. But whatever might be his opinion, with regard to the farther prosecution of the American war, the present was not the time when he was called upon to deliver it, or to shew it by his vote. The question of the American war was not before the House. It was only proposed to them, to agree to an Address to the throne, promising to support his Majesty in his endeavours to maintain and preserve the essential rights and permanent interests of this country. Could there possibly be a second question about that? Could the House hesitate a moment in agreeing with the hon. gentleman who moved for such an address, at such a moment? It met with his sincere concurrence; and he gave his vote for it as heartily and as freely as he ever did upon any occasion. He could not help taking notice of what had fallen from several gentlemen, of their desiring to take counsel from their constituents at this crisis. What! was not the sense of the nation to be collected in that House? Such applications to the people were unconstitutional, if not illegal; they led to disaster, public tumult, and outrage. He was always against them; first, because they were unnecessary; for the great constituent body of the people, having delegated their voice to their representatives, their representatives only could pronounce it; and he was against it also, because it was dangerous, for it tended to disturb the peaceable government of the country.

General *Conway* spoke with great energy against the farther prosecution of this unnatural war. The arguments that had been advanced on the one side of the House, only went to prove, that his Majesty's ministers had not dared to do that openly, which yet they wished to do; they had not dared to call the House to support them specifically in continuing the American war; but they had done it as effectually by the Address which was proposed, as if it had been absolutely and expressly mentioned. The hon. gentleman (Mr. Burke) had made it manifest; it did mean, and it could mean nothing else. And must he, in this most awful manner, pledge himself to the farther prosecution of that, from which all our evils had sprung? Must he go up to his

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royal master, and give him assurance that he would support him with his life and fortune, in that which he was convinced would bring ruin upon his country? He should be a traitor to his King and country if he was to act in this manner.

Mr. *Sheridan* attacked Mr. Rigby for the contemptuous manner in which he had spoken, and always did speak, of the constituent body of the country. He defended the hon. member's ideas on the subject, and argued very forcibly on Mr. Rigby's declaration, that the House were in possession of all the sense of the country. He then adverted to the arguments that had been urged to claim the confidence and support of the House at this juncture, which, he said, all went to prove, that ministers were entitled to the support of the country, in proportion as they shewed themselves unfit to govern it. He was particularly happy in his manner of handling what lord G. Germain asserted, that he still continued to regard America as the brightest jewel of the crown.

Mr. *Rigby* said, he would not have it go forth, at a time when there was so full a gallery, that he had spoken contemptuously of the rights of the people; he had objected only to the difficulty of gathering their sentiments in a peaceable manner.

Mr. *Fox* then rose, and, in another most masterly speech, replied to the arguments which had been advanced on the other side of the House against the amendment which he had proposed, and which had been so ably supported by arguments of the most forcible kind; and so weakly opposed by fallacious and puerile quibbles. All the argument, if it deserved the name, or rather all the wrangling, was for the purpose of maintaining that the Address did not pledge the House to the continuance and support of the American war. So contemptible an evasion little deserved the reception with which it had met, but his hon. friend had completely overturned it; for if our language spoke plainer, or our terms were more explicit, he would refer to the cool determination of every man, who was not a minister, in the House. He referred to the harsh and exulting manner in which lord Mulgrave took up and twisted an expression of his; and he answered, one by one, every argument that had been advanced.

The House divided on the Amendment; Yeas 129; Noes 218. The original Address was then agreed to.

Nov. 28. On the motion for bringing up the report of the Address,

Sir *William Wake* objected to it. He said, that in the debate of yesterday, unanimity of sentiment, and a total junction of persons, were said to be the only means to bring this country out of that wretched situation in which she was at present involved. Union was certainly an object not to be attained by the present Address; for, as it stated things that were not, men, instead of union, must rather wish to oppose a war which created such an expence of blood and treasure; but, besides, every rational man would naturally enquire how we should be able to support so enormous a charge? The minister had informed the House, that there would still be resources in the nation sufficient to support the war; if his lordship meant that there was money in the country, his assertion was undoubtedly just; but still he would not agree with him that there were still resources, because the war had exhausted them, as might be clearly ascertained by the great falling off in the value of land. If the noble lord would go down to his estate in the country, and ask his tenants if there were resources, he was confident they would answer him in the negative: that our resources were exhausted, appeared also from the reduced price of wool, which had fallen in the proportion of from 22 shillings to 10. He therefore advised the noble lord not to suffer himself to be deluded by the vain hopes of finding supplies for feeding a war, which had already swallowed up almost all the resources of the country.

Sir *P. J. Clerke* spoke to an assertion of the minister on the day before, and also in the Address, that "the war was a just and necessary war, to maintain the essential rights of the empire." This he denied; it was no such thing; and we could not with any truth aver, that we went to war with America for the maintenance of any just rights; for the Americans presented a petition, by the hands of Mr. Penn, offering to agree to any fair, decent, and honourable terms. He could not, therefore, consent to a positive falshood, nor be an accomplice in saying that the war was either just or honourable; and he could not, therefore, agree to the Address. In that petition, Congress, he well remembered, expressly declared themselves ready and willing to accede to any terms consistent with their own freedom, and calculated to preserve

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the honour of the mother country. What could be more decent, what more dutiful! But that petition was rejected; Mr. Penn was refused to be heard, and thence the spring of all our calamities. Whoever, therefore, suggested that measure was responsible for all the mischiefs that had ensued. The minister had called for union; how was it possible that they who had always reprobated the American war, could now be brought to agree to its continuance? It was impossible.

Mr. *Duncombe* took notice of an observation of Mr. Fox, the day before, that "by the amendment which he proposed, members would have an opportunity of consulting their constituents before they pledged themselves to the continuance of the war." This, he said, he very much desired to do; as, by that means he should have an opportunity of discharging his duty, and acting agreeably to the wishes of that most respectable and numerous body of freeholders whom he represented. He knew that they abhorred the American war: he was therefore at no loss to act upon that subject. With regard to the resources talked of so frequently by the noble lord in the blue ribbon, if he meant the few guineas in gentlemen's pockets, there might be found some little money; but with regard to the people in general, the case was widely different, the fact standing exactly as the hon. baronet who spoke last but one had stated it. He said the American war was generally odious, and he was persuaded, however gentlemen within doors might be pleased to argue, there was not a man, if he was to ask him his real sentiments without those walls, who would not acknowledge that it had nearly exhausted the blood and treasure of this country, and was big with ruin.

Mr. *William Pitt* rose, he said, to give vent to those sentiments of indignation which, in the present disastrous situation of our affairs, he found it impossible for him to suppress; they rendered his situation too distressing to be borne in silence; the duty he owed to his sovereign and to his country would not permit him to remain in silence when he saw ministers running headlong into measures which could end only in the ruin of the state: he wished to shew his attachment to the sovereign and his family, by holding to him a language which would shew him that he had been deceived by those to whom he looked for advice: he wished to discharge his duty to his country, by endeavouring to prevent parliament from precipitately voting an Address which pledged the House in the most direct manner to prosecute the American war, and support the continuance of that fatal system which had led this country, step by step, to the most calamitous and disgraceful situation that ever a once flourishing and glorious empire could possibly be driven to! a situation that threatened the final dissolution of the empire, if not prevented by timely, wise, and vigorous efforts!

He implored them to pause a moment, and consider what they were doing. The Address then at the bar was couched in terms the most hypocritical and delusive, and if suffered in a crisis so alarming and melancholy to be published to the world as the real sentiments of the House of Commons, it would be an additional misfortune, greater than any that had yet preceded it. It would at once deceive the King, prostitute the judgment of parliament, and degrade its dignity, insult the people, and superinduce consequences fatal to the very existence of the empire. It was an honest and faithful line of conduct in them to warn both the sovereign and people of the dangers that were common to both. It was not the base and deceitful language of adulation which parliament should adopt; but that stile and that manner which became a body of men equally attached to their sovereign and their constituents. He was unable to account for the confidence of ministers, in proposing an Address which pledged parliament to measures without vouchsafing to give that parliament any sketch or outline of those plans and measures which the House were called upon to sanction: in the better days of parliament such conduct would have been treated with the indignation which it deserved. They pretended to argue that the Address did not pledge the House to the war with America. It was puerile to say so. He was desirous to force ministers to break through the supercilious silence in which those plans were veiled; or to silence the empty loquacity with which they endeavoured to argue men out of their senses. He asked, if there was a man in the House, who, after the late disaster which had befallen this country, could trust the administration of affairs in the hands of the present ministers? Gentlemen would recollect the supplies that had been voted;

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the means that had been devised and adopted; the powers that had been entrusted to them; and the use that they had made of them; that use was loudly proclaimed by the captivity of lord Cornwallis and his army. Were gentlemen then disposed to trust still the management of a war to the care of men who had already made so bad a use of the confidence of parliament? Was the American war to have no end? And were the ministers, who, by all their measures, had only convinced the nation of the absurdity of carrying it on, to come to that House, and propose an Address which tied them down to prosecute the war, of the impropriety, absurdity, injustice, and ruinous tendency of which every man in the House was convinced? What could make the American war an object so stedfastly to be adhered to? Was there any national object in the pursuit? Certainly there was none. The real truth was, it was an appendage to the First Lord of the Treasury too dear to be parted with: it was the grand pillar, built on the ruins of the constitution, by which he held his situation; the great means of extending that baleful influence of the crown on which alone he placed all his security! But how could they expect that parliament would repose confidence in them, when they themselves had no bond of union between them? In his soul, he was satisfied, that if he was to go from one end of the Treasury bench to the other, and ask every man who sat on it, if he could trust his neighbour? they would all answer in the negative: and yet they expected that confidence from parliament which they had not in one another.

For his own part, ever since he had left the House this morning, he had spent his time in asking himself what arguments had been given strong enough to persuade the House to go on with this war. A noble lord, one of its avowed supporters, speaking of the American war had declared, that he ever ha[illegible]sidered it, and still did consider it, [illegible]r just and necessary, founded on [illegible] claim of a right that was undisputed. With regard to the grammatical or logical correctness of this reason, he would not institute an enquiry, nor would he now enter into an argument upon the justice of the war; that point having been sufficiently discussed, for mankind to have made up their minds upon it. What the noble lord meant by necessity, if he meant any thing short of a physical necessity, he was at a loss to imagine. That an end could not be put to the war, if parliament resolved on such a measure, was too absurd an idea to be maintained. The war had been proved by fatal experience to be fruitless, and every day that we persisted in it clearly tended rather to create new difficulties than smooth the path to peace and friendship. That the war was originally just and necessary was, however, the only argument of one noble lord; let the House recollect what had fallen from another noble lord, whose situation rendered all that he said upon the subject peculiarly the object of attention. That noble lord had held a very different language. Without laying claim to that boldness of pride and ambition, which alone could generate the hope of making America the victim of conquest, he had said, all his hope rested on the more mild, lenient, and moderate expectation of the practicability of sending a sufficient force into the country, to enable the numerous friends of Great Britain to get the better of the party that opposed them, and had possessed themselves of power. The noble lord had told them, that he never imagined America could be recovered by arms, but that the loyalists, who were much superior to the hostile, would be able, with their assistance, to effect all that could be wished for. In order to see the wisdom of this conceit, Mr. Pitt advised the House to look back to the events of the war, and especially to those of the last campaign, which were too recent, and of which every man's breast was too full to render it necessary for him to undergo the anguish of describing them. Above all, he begged the House, if they wanted farther proof of the power of protection which Great Britain was warranted to hold out, to look at the articles of the capitulation of lord Cornwallis, and cast their eye on the answer to the 10th article. They would there see, that all the friends of Great Britain, all the loyalists, who had been treachorously deluded to join lord Cornwallis, and deceived by false hopes and ill-founded promises, so far from being protected, were left to the civil justice of the country. What the civil justice of America was, it was utterly impossible for him to say, but if the same treacherous system that had long disgraced Great Britain was suffered to be persevered in after what had happened, perhaps the civil justice of this country would soon overtake some men, who were undoubtedly much properer objects of its opera-

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tion than those unfortunate wretches, who, looking up to the British standard with that reverence and opinion of its influence which in better times it was wont to create, had foolishly sacrificed their lives and fortunes to the empty promises of an abandoned administration. He asked, where, under the dreadful pressure of national calamity, was a monarch of a free people to take refuge, and find resource, but in the honest, undisguised, and loyal councils of his subjects? Would fallacy administer comfort to the wounded mind? Would fraud support a falling state? He concluded by protesting, that nothing but his duty to his sovereign and his country had actuated him to call upon ministers to give some information to the House. He had spoken from no private, personal motives; his feelings and his views were public: he wished for information on the two points he had particularly mentioned;—their intention with regard to the farther prosecution of the American war, and some outline of the manner in which they intended to pursue it. On these two heads he called for and expected some information.

Mr. Pitt, in the course of his speech, paid lord Cornwallis the highest compliment, by saying, he was infinitely above his praise; he hoped time would shew, he was equally beyond the reach of detraction. The moment Mr. Pitt sat down, a buz of applause pervaded the House, and it was some little time before the Lord Advocate of Scotland, who rose immediately, could obtain a hearing. At length, the House being called to order,

The *Lord Advocate* (Mr. Dundas) said, the lustre of abilities, and the splendour of eloquence, displayed by the hon. gentleman who spoke last, having proved that a very uncommon share of talents had descended in an hereditary line, from a parent uncommonly gifted, to a son equally blessed, it did not all surprize him, that an involuntary motion of applause should burst out on the conclusion of the speech the House had just heard, and that each gentleman should be anxious to communicate to his neighbour his approbation of it. That sufficiently accounted to him for the difficulty he felt to obtain a hearing, when he offered himself to the notice of the House; now, however, he would, with permission, proceed to state his sentiments on what had passed in the debate of that and the preceding day. And first, he could not but observe, that on both days, the debate had taken a very comical turn. He had the preceding day, expressly and openly told the House the meaning he annexed to the words of the Address, and upon which sense of them alone, he had resolved to give it his vote. The same thing had been done again by others, who had spoken on the subject, and who had, as he did, voted for the Address. Notwithstanding this, gentlemen on the other side of the House persisted in forcing a meaning upon the words, entirely different from that which he and others had expressly declared to be the meaning, that they understood, and for which they had thought themselves warranted to vote. Surely this was rather a new mode of debate, and a mode which, to say the least of it, was not very candid, since those who did not vote for the Address, at least ought not to oblige those who did vote for it, to acknowledge a meaning for their vote, which they themselves had publicly disavowed. In order once more to prevent the effect of those insinuations which had been thrown out, and which might perhaps have been suggested with the intention of inducing the public without doors to form opinions of his conduct equally ill-founded and injurious, he would fairly tell the House, that before he came to town he expected to hear the news that had lately been brought, and which every man must feel and lament as a great national misfortune; and this expectation was not founded on any peculiar intelligence or communication he had received, but on the chance of war, and the probability of events. It did happen; and he had read the Address several times, and with a jealous eye, to discover whether there was a word in it, by which he should be pledged to concur in the prosecution of the American war; but he had not discovered a syllable in it that had any such tendency; and therefore he had not felt any difficulty in giving his vote for the Address. He thought it would have been improper for him to pledge himself for the prosecution of the war in America; but he felt that it would have been equally improper for him not to have used a manly and firm language in the Address, by which all Europe might be convinced that no disaster, however great (and no one believed the late misfortune to be greater than he did) could depress the spirit or sink the courage of the nation. The language of the Address was spirited; but in his opinion it was so far from pledging parliament to the American war, that whenever the ex-

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pediency of continuing that war should become a question in that House, every gentleman who had voted for the Address, would be as free to vote for putting an end to the war as if no such Address had ever been proposed. This was his opinion; and the two noble lords in office, who sat near him, said, in the last night's debate, that their sentiments, with respect to the Address, were exactly the same. Now it was singular indeed, that those who might be supposed to be most concerned in framing the Address, had publicly disavowed all intention of binding the House by the Address to pursue the American war; and yet the gentlemen on the other side of the House would force upon them a meaning which they disclaimed: those who framed the Address best knew the purport and meaning of the words; those who had voted for it knew upon what grounds they gave their vote: they all declared that they did not understand themselves to be pledged by it to prosecute the war in America; and yet the gentlemen who had voted against the Address pretended to know the meaning better than those who voted for it, and would thus force upon them a meaning which they utterly disavowed; this, he must needs say, was far from being candid: there must be some secret cause for this forced interpretation of words, of which their natural purport would not admit.

The term "American war," was often used on both sides of the House; but it was a term so indefinite, that unless gentlemen would be explicit he might mistake their meaning: the term might mean a war carried on over lakes and rivers, through woods and provinces, or, to say all in one word, a continental war in America. Was that the war which gentlemen wished to see determined? If it was, let them say so; and the matter be brought to a decision. There was another sort of war, which might consist in keeping some places in America, such as New York, Halifax, and Charles-town, (if we now have those places); the preservation of those places by arms might be called an American war. Now, of these two sorts of American war some gentlemen might vote for one, who would condemn the other. Would it be proper, therefore, without any previous deliberation, to reprobate the war in America, under the vague name of the American war? Surely no. It might perhaps be expedient, surrounded as we are by old, hereditary, natural, and powerful enemies, to confine our operations in America to a small compass, in order to turn our chief force against those enemies; that we might thereby regain our former respectable situation among the belligerent nations of Europe; and at the same time be ready to avail ourselves of every favourable occurrence in America to secure the trade and commerce of that country. Matters were now brought to a crisis; and ministers would be obliged, without delay, to make up their minds upon the plan of operations that they must pursue; there was not much time for deliberation; decided resolutions must soon be taken; 'Deliberat Roma, perit Saguntum:' if they should go on much longer without taking some final resolve, the country might be undone. The necessity of a speedy resolution was so apparent, that if the deliberations should be very long the resolve might be made too late. He did not mean or wish to conceal his sentiments; he wished to speak clearly; though he did not mean to deliver, at that moment, any opinion on the measures that should be adopted, or the species of war which ought to be carried on in America: it was not, however, that he had not an opinion on the subject; he certainly had one; but he would wait for another opportunity to speak it. This much, however, he thought proper for the present, to speak the language of fortitude and manliness in the Address; for it ought not to be considered simply as an Address, but as a manifesto, calculated to let all Europe know that we were not depressed with a misfortune: the language of despondency would be extremely improper, whether our resolves should be for war or peace: if for war, it would be absurd; if for peace, it would serve to render our enemies more untractable and lofty in their terms; in either case, therefore, a bold, energetic, and spirited promise of assistance was the fittest for that House to adopt; but to say that to agree to a manly Address would be to pledge that House to prosecute the American war, was saying what the plain text of the Address, without a comment, would not justify.

Insinuations, he observed, were frequently thrown out against ministers; and sometimes it was said, they supported measures which they did not approve, and which were diametrically opposite to their own principles. Such insinuations as these, he believed, were not unseldom suggested merely for the service of the moment, and

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by gentlemen who disbelieved them even when they used them. It was a sacred maxim in the constitution, that "the King can do no wrong:" this maxim was necessary for the personal safety of the sovereign, and for the free deliberation of parliament; but then this maxim implied that, whatever was wrong in the administration of the state, was to be ascribed to the cabinet ministers of the monarch. This maxim secured to those ministers the confidence of parliament, because parliament knew that the servants of the crown were not ignorant that they, and not the sovereign, were responsible for the acts of state: but while parliament was reposing confidence in the opinion of ministers, it ought to be sure that those ministers were pursuing their own opinions. If a minister, accused of mal-administration, should say, "I was overruled in the cabinet, and was obliged to give way to the majority of the council;" such a defence could not, and ought not, to be admitted by that House. Such a minister had means in his power, by which he might have screened himself from responsibility in becoming an accessary to the guilt of others; he might have resigned; and that minister, who, to preserve his situation, could submit to concur in measures that he condemned, must be one of the meanest of mortals; he betrayed his trust, and deserved the execration of his country. The conduct he should pursue would be to propose his plans to his sovereign; if they were approved, they would of course be carried into execution; if they were disapproved, he should lay down his employment. The Lord Advocate hoped that no one would suppose he alluded in the smallest degree to his noble friend (lord North); every one knew the friendship that subsisted between them; and that he would go any length to support his private and his public character: he spoke in generals; but he could not help repeating, that the minister, who would sacrifice his opinion to preserve his situation, was unfit for society.

The learned lord asked, to what end could the ministers aim at holding out a delusion by meaning one thing by the Speech and Address, and declaring in the most express manner that they meant another? He would be bold to say that parliament could not be ensnared by such a delusion. The thing was impossible; the delusion would not hold a week: the fallacy must be detected. Besides, it must be a willing parliament indeed that could be ensnared by such a poor, pitiful delusion, or that could receive such an imposition. [It was here called out, from the other side, "parliament would receive any imposition."] If they would, said the learned lord, the noble lord in the blue ribbon need not have taken so round-about a method of deluding them. Common prostitutes require not much courtship or dalliance to win their favour. But certainly, in the present case, the cheat would be a very extraordinary one, were it possible to be a cheat, because it must so soon discover itself. His lordship then argued upon the meaning of the words of the Address, and said, as the House knew, he pretended not to be a great master of the English language, yet he had sufficient knowledge of the import of words, added to a small share of common sense, to be convinced that the Address, as it was penned, pledged gentlemen to no one specific line of conduct in that House, but was merely that sort of language which it was most fit, under the circumstances of the times, for parliament to hold to their sovereign. He took notice of the arguments of several gentlemen in the debate of the preceding day, and observed, that one gentleman had recommended the sending a herald to France to sue for peace; an idea which he reprobated as in the highest degree timid and impolitic. The capture of 7,000 brave men, under a noble and gallant commander, was certainly a serious and a severe circumstance; but it was not to be surmounted by any acts of despondency: vigorous exertion only could retrieve the misfortune.

Mr. *T. Townshend* applauded the learned lord for expressing his detestation of those ministers who suffered themselves to be overruled in their own department, and, from the mean desire of preserving their emoluments, submitted to execute the measures of which they did not approve. He trusted that his conviction in this point would be followed by his conviction in many others; and he should be extremely happy to see the learned lord institute the question at which he had hinted—of the propriety of abandoning, or of continuing the American war: perhaps it might prosper in his hands. He said, when his hon. friend talked of the supercilious silence and empty loquacity of those who had undertaken to palm an Address with the grossest adulation on the House, he expected that the empty loquacity would

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take refuge in their supercilious silence; but he was mistaken: the learned lord had spoken out, and he thanked him for it. He wished him therefore to make the motion, which, he said, would force gentlemen to speak out. The hon. gentleman said, that he was very desirous of giving support to his Majesty in the prosecution of such measures as should be necessary in the maintenance of our rights and interests; but he could not agree to the Address, because it pledged the House to the continuance of the American war. He paid a warm tribute of praise to lord Cornwallis, who, when reduced to that extremity that he was constrained to surrender those soldiers, to whom he had acted like, and who loved him, as a father, yet his first care was to preserve the fleet, upon which he knew the very existence of this country depended. What did the First Lord of the Admiralty deserve, who failed to rescue this brave man, and his gallant band of followers, who were perhaps the prime of the English army? But he supposed he should be corrected by the advocate for lord Sandwich, the member for Huntingdon, and told, that calling these men the prime of the army, was an insult to those soldiers who were not present.

Lord *Mulgrave* instantly rose, with much apparent warmth, and said, he knew not in what sense the hon. gentleman meant the phrase, "Advocate for lord Sandwich," but if he designed to convey any other meaning by it, than that of a man of honour, and an independent member of parliament speaking his real sentiments of a friend, of whose conduct he entertained, from experience, a good opinion, he grossly misapplied the name of advocate, and his insinuation was wholly beneath his notice. With regard to the member for Huntingdon, he would tell the hon. gentleman, that he had the interest of his country as much at heart, was as capable, as honest, and as disinterested, as the member for Whitchurch, or Christ Church, he knew not which place the hon. gentleman represented.

Mr. *Townshend* rose again, and said, the noble lord might take the word advocate in what sense he thought proper, he would neither alter it, nor give it any explanation. He was perfectly in order, and within the rules of the House, in what he had said; he had a right to talk of a public misconduct in any language, consistent with the freedom of debate; the situation of our fleets warranted his speaking of the First Lord of the Admiralty in the light in which he and every man, who spoke his mind, must regard him—as a great criminal, as a public delinquent. He was far, therefore, from condescending to give the least explanation of his words, and he repeated, that the assertion, that the inferiority of the British navy to that of France and Spain was only a misfortune, and not a disgrace, appeared to him to be so preposterous, that he hoped the advocate for the earl of Sandwich, or the member for Huntingdon, stood single in entertaining it.

Lord *Mulgrave* rose again, and in a more settled tone said, when the hon. gentleman threw out such insinuations in future, he should treat them with the silence and contempt they deserved; at present he should content himself with saying, that if the word advocate was used with a view to apply it to him in any sense, inconsistent with integrity and honour, the application was false.

Lord *Mahon* spoke to order. He wished the noble lord to recollect, what the learned lord had but a short time ago so emphatically insisted on, namely, that no gentleman should put a meaning upon another gentleman's words, which he was not willing to acknowledge was the meaning which he himself intended them to convey. As that rule was laid down by a friend of the noble lord, he thought it became the noble lord to adhere to it strictly, whatever gentlemen on the side of the House, on which he sat, might do.

Mr. Fox was upon his legs, when

Colonel *Onslow* insisted on speaking to order. The colonel said, it was with the utmost concern, that he had for a long time past observed, that the debates were suffered to proceed in so disorderly a manner. In the last parliament want of regularity and order began to shew itself, and he was sorry to say, the debates of the present parliament were still more disorderly than those of the last. He assured the Speaker he had the utmost respect for his office. He looked up to the chair with reverence, and he felt great personal regard for him, but he could not suppress his wishes, that the chair would more frequently interpose its authority, and confine gentlemen within the strict rules of order. The House had that day heard the word, traitor; and the preceding day, a variety of epithets, such as villain, &c. had been used with a most indecent freedom. If such irregularities were suffered to continue

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unrestrained, not only the dignity of the House would be wholly lost, but from a want of the necessary gravity and solemnity in their proceedings, it would be impossible to do any parliamentary business.

The *Speaker* returned his thanks to Mr. Onslow, for his admonition. He admitted the truth and justice of the colonel's remarks, acknowledged the necessity of obliging gentlemen to be less disorderly, and hoped in future he should have the colonel's support, whenever the bounds of strict order were infringed. He argued that nothing could be more improper and unpleasant, than that kind of acrimony and personality which occasioned heat and ill-temper. To his own feelings it was extremely unwelcome, and he doubted not it was so to those of every other gentleman: whenever he observed such disorder arising, he should consider it as a personal obligation to himself, if any gentleman would on such occasions call upon him to interpose. Whenever he was so called upon, he hoped the House would support him, because he had long since observed that the sooner that sort of disorder which was alluded to, was checked, the better; the longer it was suffered to continue, the more difficult it became to put a stop to it effectually. In the present case, he thought it his duty to say, that to call any member by his name, or to point him out by naming the place he represented, was exceedingly improper and disorderly. He was happy to observe that both the gentlemen had so soon recovered their temper; it certainly was the best way to take no further notice of what had passed, but to let the debate proceed.

Mr. *Fox* said, as his hon. friend who sat two benches behind him (Mr. W. Pitt) who had spoken so ably on the subject of the Address, had thought it necessary to apologise to the House, previous to his delivering an argument that had excited universal admiration; it might be expected that he should say something in excuse of his rising. Certainly, it would be impertinent in him to take up the time of the House in going over ground which he had trod the day before; the sole object of his wishing to be heard at the moment, was merely to make a few observations on what had fallen from the learned lord over the way; and here he could not but remark, that among the other auspicious circumstances that attended his hon. friend's introduction into that House, not the least fortunate, nor the least singular, was the event of that day: his hon. friend having by a single speech effected that, which many other gentlemen, of inferior talents indeed (and he among the rest) had been years endeavouring to accomplish; namely, to oblige some one person or other, obviously connected with ministers, and notoriously in their confidence, to do something like speaking out honestly and openly. He used the words "something like speaking out," because, till the learned lord cleared his doubts, and explained certain points that appeared to him to require explanation, he could not say that the learned lord's speech was so explicit and so open as he possibly would wish the House to suppose. Upon the whole, the learned lord had spoken out, and he thanked him for doing so, and trusted he would explain the doubt that he had left upon his mind. But first the learned lord had said a great deal on the ground of gentlemen's having forced a meaning upon the Address, to which he, by voting for it, never intended to pledge himself. In answer to this, he could only say, that every production committed to writing must be judged of and construed by its phraseology and by its words. It was no argument to him, for a minister, or his advocate (a laugh); he begged pardon for the word, it really was an accidental lapse of expression; he meant the friend, defender, or supporter of the minister; but he hoped his error, which he solemnly declared was unintentional, would convince the noble lord over the way (lord Mulgrave), that the word advocate might be used without any design of offence. To return to his subject; it was no argument to him, that a minister, or the supporter of a minister, declared in his place, that he did not mean what the words committed to black and white actually imported. He could not dissociate language and ideas; *litera scripta manet;* and he must necessarily direct his arguments to that which was likely to become a parliamentary record, and not to the fleeting speech of an hour.—But to leave arguing upon a point which had been so much discussed, and about which, in fact, there could not be a second opinion; he wished to come to that which he would beg the learned lord to explain. If the House had been called upon to pledge themselves for the support of the American war, then there would have been reason for all this debate; "but that a day, and

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an opportunity would occur soon when the House would fairly come to issue on the question of the American war." This is what he wished to have explained. When would that day and that opportunity occur? How was it to be brought about? He wished sincerely for the learned lord to be explicit upon this head. How was it to be brought to issue? He confessed, for his own part, he saw many difficulties. —To move for acknowledging the independence of America, would be an improper means of bringing it to issue, for that would prevent us from taking advantage of circumstances. To move for the withdrawing of troops would be unseasonable, for it might be necessary to the prosecution of the war against France to hold military stations in America. To disagree to a continental war would be improper, for a dispute would arise about the meaning of the term continental war. In short, he knew not how the question could come to issue: if the learned lord really meant what he said, he would have no objection to state what day and what question he alluded to, when he said the day was near, on which gentlemen must speak fully and fairly to the question of the American war. That day he longed for with the most eager impatience; and if he could possibly guess, he should suppose the day meant, was that, when the army was to be voted. The learned lord had stood up with a degree of manly firmness, not very common to the friends of the minister on the present occasion; and he had declared, he meant to be explicit. If he really meant what he said, he would have no objection to speak out, and declare what day he alluded to. If this question was not fairly answered, he would be bold to tell the noble and learned lord, that his affectation of speaking out, was, if possible, more contemptible than the hackneyed evasions of the minister.

The *Lord Advocate* said, when ministers called upon the House to vote a substitution of force to replace the 7,000 men lost with lord Cornwallis, they must meet the question fully. [Mr. Fox called over for an explanation of the word substitution. The Lord Advocate repeated his first sentence. Mr. Fox shook his head.]

Mr. *Burke* declared, that if any thing yet remained necessary to be done or said to convince the House that the Address pledged them to the continuance of the American war, he would read part of the Address of the House to the King in the year 1778, which pledged them to the support of the French and American war for the sake of our rights and interests. This he said was his text on which he would preach, by comparing this with the assertion, that it pledged the House to nothing; and comparing both with the language of the Scotch, and the Irish, and the English ministers; and lastly, by comparing and applying them all to the consciences of the House. The Address was a delusion, and he was not a little amazed to hear the learned lord make it an argument that it could not be a delusion, because it could only last a week. Good God, did the learned lord know so very little of the minister, as to imagine, that the shortness of time which a delusion could exist, was any reason for his not practising it? The noble lord dealt in cheats and delusions: they were the daily traffic of his invention. A week! The noble lord had often held out a cheat for half that time! For a day only: nay, for a single hour! He had practised cheats upon the House, which died away even before the debate was ended, to favour which they were contrived. Had not that House seen the noble lord's cheat upon the subject of the Conciliatory propositions? Had they not witnessed his dexterity in laying down his own cheat on that occasion, and adopting another which he thought he played off more advantageously? The noble lord would continue to play off his cheats and delusions on that House as long as he thought it necessary, and had money enough at command to bribe gentlemen to pretend they believed them. It was no argument, therefore, to suppose that the shortness of time which they were likely to operate, proved that they were not in fact delusions. The hon. gentleman said, the learned lord had ingeniously endeavoured to throw obscurity and confusion on the manner of conducting the war; nay, the ministers themselves were not clear in their ground respecting the Address; he said the Scotch Secretary of State and the Irish Secretary of State, had both of them, in another place, held a language totally different from that of the South British minister in that House. The Scotch and Irish Secretaries had expressly declared, that the Address did pledge those who voted for it to a prosecution of the American war; the one directly said they were pledged, the other hinted the same thing. The South British Secretary and his sup-

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porters had told the House the direct contrary. What sort of confidence, then, ought gentlemen to place in an administration, where there was so glaring a want of concert? What firmness, what vigour could arise from the councils of men so disunited? How was this difference of argument upon the same subject to be accounted for? Was it owing to their different places of birth? Were Scotch, Irish, and English so jumbled together, that there was a Babel in the cabinet, and such a confusion of tongues, that the one could not understand what the other said? The learned lord told the House, he did not mean to pledge himself for the prosecution of the American war, when he voted for the Address? What satisfaction was that to the House? The declaration was the private declaration of an individual member of parliament. The Address was the act of the House; but now he came to apply to the consciences of the House, and to discharge his own. The tenth article of the Capitulation shocked him beyond measure. Earl Cornwallis was forced to surrender up to the civil jurisdiction of the country the loyalists who had come to his standard. These men we had butchered in cold blood; they were doomed to be hung, drawn, and quartered; and a young prince of the blood was sent out to be spectator of the horrid executions of those who were quelling the rebellion against the crown, executed for rebelling against the congress. What a scene, cried he, for the eyes of the royal youth, to behold the faithful adherents of his father hanging in quarters on every headland as he sails along! What a report to make of the objects that first struck his view in that country, where he was taught to hope he should be every where received with welcome! Here, Sir, I beheld the bloody remnants of our faithful friend, Mr. Williams, gibbetted up for a terror to all who adhere to us; and a little farther another friend, and yet another, and another. But is not this one fact among a thousand, sufficient to convince us of the horrible iniquity of the measures we have hitherto pursued? and is it not the strongest reason for our forsaking a system so pernicious? The hon. member worked up his passions so much in descanting on the shocking cruelty of the circumstance, that his whole frame was violently agitated. He declared the blood of all the Americans, who lost their lives in consequence of that capitulation, rested on the head of lord Cornwallis, or of ministry. As he had no right to charge him with it in the other House, where the noble earl was entitled to a seat, he would make those walls re-echo with it, till lord Cornwallis had accounted for a conduct so disgraceful to the British name, so distressing to humanity! And while he did this, he had the highest and most respectful regard for the virtues of the noble earl. Some dreadful circumstances must have attended the giving up of his friends. He drew a comparison between the conduct of general Burgoyne at the surrender at Saratoga, and that of lord Cornwallis at York-town. He reminded ministers of the manner in which they had treated general Burgoyne, who gave up no loyalists to butchery. He brought to their recollection the doubts entertained by them of the general's having a right to his seat in parliament while he was a prisoner, and the manner in which they had prevented his throwing himself at the feet of his sovereign, and asked them if such was their treatment of a general who obtained such honourable terms of capitulation, what was lord Cornwallis to expect? He next shewed to what extent the power of protection described by the American Secretary had been carried. By fire and sword we had forced the Americans to join the King's troops, and now those very men, who had been fighting to quell rebellion, were to be executed with ignominy, for having themselves been rebels. After working up himself and his hearers to the most distressful state of emotion, he branded the ministers as the cause of the horrid disasters he had described, and declared the Address to be the most hypocritical, infamous, abandoned, lying paper, that ever that House had been called upon to vote. After turning this affecting circumstance into various points of view, he mentioned a most singular fact. Earl Cornwallis was governor of the Tower of London, and consequently Mr. Laurens was his prisoner. Colonel Laurens, son to Mr. Laurens, was appointed captain general of prisoners in America, and consequently earl Cornwallis was prisoner to the son of his own prisoner. This was a circumstance that would incline a man the least addicted to superstition, to think that there was a special Providence in this affair, brought about for the purpose of humbling the proud, and teaching to all by the vicissitudes of human fortune,

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the duties of tenderness and humility. He also mentioned this particular circumstance, that on the 17th of October exactly to a day, four years from the surrender of general Burgoyne at Saratoga, lord Cornwallis beat a parley to capitulate at York-town.

Mr. *Courtenay* said, no man could be more affected by what fell from the hon. gentleman (Mr. Pitt) than he was. His splendid diction, his manly elocution, his brilliant periods, his pointed logic conveyed in a torrent of rapid and impressive eloquence, brought strongly to his recollection that great and able statesman, whose memory every grateful and generous Briton reveres. The hon. gentleman stood high by his own superior abilities; yet still the memory of that great man threw a ray of glory round him. He said he would only trespass on the indulgence of the House for a few minutes, as on such a great and important question he did not choose to give a silent vote. At this disastrous moment, the House of Commons were called upon, by the proposed Address, to support the just and necessary war in which we were engaged, against the united force of France and Spain, and against America as their ally. It was a war of necessity, of cruel and dire necessity, on which principle alone he would attempt to justify it. If there was a gleam of hope, that by acknowledging the independence of America, she could be detached from France, it would demand the serious attention of the House, whether such terms should not be granted. Though the endearing and heartfelt names of colonies, and mother country, should no longer exist, yet great commercial, great national advantages, would be derived from an union between people naturally connected by the same language, manners, and religion, and both inspired by the same ardent spirit of liberty; great and essential benefits might be mutually received by both countries, cemented by a federal union, and Britain, on such a liberal and enlarged system of policy, might again become a great and flourishing nation, the envy of Europe, and the admiration of the world.—The hon. gentleman observed that much had been said on the American war; he was ever ready to avow his sentiments on that subject; he had always thought it neither wise, politic, nor expedient. On the first day he had the honour of speaking in that House, he had expressed the same sentiments, to which he should always adhere. He had voted for the Address on the explanation of the ministers who had got up in their places, and had explicitly declared, that the House was not pledged by the Address, to carry on the war, for the express purpose of subjugating America, but on general terms to carry on that just and necessary war in which we were engaged, in the most effectual manner, for the safety and honour of Great Britain, and the protection of his Majesty's dominions. —He said, he did not like the voice of despondency; that he trusted there was an elasticity in a British mind which would always rise in proportion to the pressure of calamity; but that he was surprised and mortified to hear a noble lord of the Admiralty assert, as an apology for the acknowledged inferiority of the British fleet at this awful moment, that France, from her great resources, was enabled to have a superior fleet; that in the reigns of king William and queen Anne she had one. If there was truth in this voice, it sounded the funeral knell of Great Britain, and might well appal the ears of the people. But he was happy to find that the assertion was not founded; it was contradicted by historical facts; and the noble lord who made it, seemed to have forgot the glorious annals of his profession; he seemed to have forgot the action of La Hogue, where the marine of France received a blow, from which it never recovered; he seemed to have forgot that memorable action where British valour was so very conspicuous, that king James in the exultation of his heart, forgetting his own situation, and that every hope was blasted by the destruction of that fleet, destined to restore him to his throne; forgetting every thing for one moment, but that he was an Englishman, (the only moment of his life which merits an eulogium), burst out into this generous exclamation on seeing the seamen in swarms scrambling up the high sides of the French ships from their boats, "Ah, none but my brave English could do so brave an action!" The noble lord, when he made the assertion, must have forgot the action off Malaga, when sir Cloudesley Shovel defeated the French fleet, though superior to him in number of guns and men, as well as in weight of metal. The noble lord must have forgot the conjunct expeditions which were carried on in those reigns; the reduction of Barcelona and Gibraltar, which could not

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have been effected without maintaining that superiority at sea on which the existence of this country depends.—He concluded by saying, that no man could lament more than he did the late disastrous event in Virginia: he had listened with indignation to invidious comparisons on that event: lord Cornwallis had fallen (unassisted and unsupported) not ignobly by the united arms of France and America; he had not fallen in the pride of presumption, by the hue and cry of the peasantry, by the *posse comitatus* of the country; he had fallen admired and respected by the enemy, and his chains were wreathed with laurels. May he then live to receive the reward of his valour from the hands of his discerning sovereign! He is an honour to his profession, and will add a lustre to the highest honour that can be conferred on him; and the sacred and applauding voice of the people will sanctify their sovereign's choice.

The question being put, that the report be brought up, the House divided:

Tellers,

YEAS	Mr. John Robinson - - Mr. Johnes - - - -	131
NOES	Sir William Wake - - Mr. Burke - - - - -	54

So it was resolved in the affirmative.

The King's Answer to the Commons' Address of Thanks.] To the Address of the Commons his Majesty returned this Answer:

"Gentlemen,

"I return you my cordial thanks for this very loyal, dutiful, and affectionate Address. It breathes the spirit and firmness of the representatives of a brave and free people. Nothing could afford me so much satisfaction, or tend so effectually to the public safety and welfare in the present conjuncture."

Debate in the Commons on Mr. Thomas Pitt's Motion for delaying the Supplies.] Nov. 30. On the motion for going into a Committee of Supply,

Mr. *Thomas Pitt* rose, he said, to object to the Speaker's leaving the chair; and declared his resolution of dividing the House, whatever might be the reception of his arguments, and even if he were sure of finding himself the single person in that division who walked below the bar. It had been said, that on the first day he had recommended to the House to hold a sullen silence, and to say nothing in return to the King's most gracious Speech. In this he had been misunderstood and misrepresented. He had advised the House only to stay, till something becoming the feelings, the situation, and the dignity of the House, should be advised and considered, in place of the adulation, the flattery, and the delusion, with which they did approach their sovereign. The situation of affairs made it disgraceful in the House to echo back the minister's language: it was as degrading to the parliament of a free people, as it was insulting to a great and gracious prince; for to flatter in such a moment was to insult. He knew, and he wished to observe, the decencies of that House. No man could be more anxious than himself to pay his duty to the throne; and it was for this reason that he had recommended to the House to delay for a few days, that they might deliberately consult and agree upon an Address which it would become the House to present and the monarch to receive. That the sovereign of a free people should feel his breast swelled with indignation on the view of calamities so unprecedented and disastrous, he could not wonder; that he should be roused to the ambition of reinstating his empire in its flourishing condition, was not surprising—it was a natural, a laudable ambition. Considering the Speech, therefore, in this light, it claimed his admiration; but, viewing it as it really ought to be viewed, as the Speech of his Majesty's ministers—of those ministers who had ruined their country, he must declare that it was a hardy and a shameless Speech, in the severest sense of these epithets. He was astonished to find those ministers, who ought to appear before their injured country humbled and penitent, as in private they ought to feel the compunctions of remorse, for the fatal consequences of their delusions, fallacies, and madness,—come forward, and, without common decency, tell the people that they meant to persevere.—This had been his idea on the first day of the session—that the House should take time to consider the answer which they were to give. It was still his idea; and he now rose to object to the voting a supply—not that he meant to withhold a supply in the present exigency of affairs—he would grant liberally—he would give the government the utmost support; but he would have a pledge, that that which the House granted

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cheerfully should be applied with wisdom and effect. He would not say what pledge would be satisfactory, further than this, that he should expect a striking proof of their contrition and repentance, of their conviction of former folly, and of their resolution of amendment, by instituting a scheme of real exertion, well directed vigour, and wise endeavours to regain the lost honour of their country, and to restore us to our former respect among the belligerent nations of Europe. At present, what was the reason that foreign nations had no confidence in us? It was because our government was no longer what it used to be—a government lodged both in the king and his people: it was now, by means of corruption, vested only in the servants of the crown; and therefore the nature of our government, which formerly derived so much lustre from its democracy, being changed, the powers of Europe, who courted our alliance, now scorned and reviled us, and would not place confidence in our councils. It was not a change of ministers; it was for a total change of system and measures that he looked; and, that his wishes should be gratified, he would oppose privilege to prerogative, and vote that not a shilling should be given by the people to the crown, until they should first have received this earnest.

Sir *Grey Cooper* said, that when, on a former occasion, the hon. gentleman had declared he would oppose the supply, he really imagined that it was an expression that had dropped from him in the heat of debate, and that on cooler reflection he would not persevere in his resolution: he was therefore the more surprised to find the hon. member still in the same mind. The hon. gentleman did not forget, that, by the Address to the throne, the House had pledged itself to grant some supplies, though it did not bind itself to vote any for the American war. Had we not other enemies than the Americans? And did the hon. gentleman wish to leave the nation without either fleet or army to defend it? This, indeed, would be a most agreeable event to France and Spain. "Hoc Ithacus velit; et magno mercentur Atridæ!" but he must look upon such a resolution in no better light than public despair, and political suicide. Formerly, indeed, it was the practice of parliament to make a redress of grievances precede supplies; but then the king had revenues from crown lands, and other resources, with which he was obliged to support his civil and military establishments; but now that the crown had no settled revenue but for its own support, and the people had in their own hands all the other revenues, and the care of providing for all military establishments, it would be strange indeed that they should refuse to vote a supply destined solely for their own protection: no instance of such a refusal could be found since the Revolution, since the revenues for the support of the king, and the support of the state, had been dissociated. He trusted, therefore, that gentlemen would not now begin to set so bad a precedent, and give so bad an opinion of our situation, as to let all Europe have it to say that parliament had left government at a stand.

Mr. *Fox* said that ministers and their friends had a double way of reasoning about the Address: when they wanted to get it through the House, they said it bound the House to nothing: but now that it was passed, and an opposition was made to the supply, they argued, that by the Address the House had bound itself to grant it. The hon. gentleman from whom the opposition came, had undoubtedly hit upon the best means of procuring to the people that change of measures upon which their political salvation depended—to delay the supply, though not to refuse it; to delay it until some pledge should be given by ministers to the nation, that they felt compunction for past errors; that they had discovered their fault, and were resolved to reform. The hon. member very properly refrained from naming what pledge it would be necessary to give; that ought to come from themselves, but not from themselves only; parliament should also give a pledge; and a better could not be devised, than an impeachment. That House had once felt the corruption of ministers to be gaining ground so rapidly, that they came to the resolution that the influence of the crown was increasing and ought to be diminished. Ministers had basely advised their master to rule by the silent means of intrigue, instead of reigning in the hearts of his people: they had destroyed the democracy of the constitution, and all was now swallowed up in the monarchy: the forms indeed of the constitution were still in being, as an hon. gentleman had observed, but the vitals of it were consumed; the temple stood, but the *dii tutelares* had deserted it. The hon. baronet had said, that since the Revolution

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no instance could be found of an opposition to the supply. It was true; but since the Revolution had there ever been a period like the present? Had there ever been a reign so unfortunate? Had there ever been a circumstance so paradoxical, as a parliament resolving that the influence of the crown ought to be diminished, without being able to effect a diminution? Grievances, said the hon. baronet, used formerly to precede a supply; but then it was because the king had large hereditary revenues with which he could support his establishments: it was true; but since the separation of the two establishments, the court and the military, had taken place, ministers had advised their sovereign to think only of himself: and in proportion as the means of his subjects decreased the expences of his court were increased. Formerly, when that party of men known by the name of Whigs, was in office, the king perhaps was not so rich in money, but he was greatly so in glory and dominion: now that the Whigs were not in office, and the nation is poor, the king is rich at home, but poor in glory and dominion; both being sacrificed by the measures of his ministers. But, said the hon. baronet, will you disband your fleets and armies, and leave the country at the mercy of her enemies? Certainly not. It is in the power of the ministers to obtain the supplies, which are only delayed, whenever they may think proper to give such a pledge as may be sufficient to convince the public that they are determined totally to change their measures. But the French and Spaniards will rejoice at government being at a stand! Then, O House of Bourbon! might you be called restless indeed, not to be satisfied with the administration of those men, whose measures gave you Grenada, St. Vincent's, Dominica, Tobago; and, what is greater than all the Grenades, St. Vincent's, Dominicas, and Tobagos—the friendship of America! Restless, indeed you must be, if you could rejoice at the removal of men who have served you so well, and so greatly contributed to your successes against this country. He had said in a former debate that ministers must be paid by France, or by some other means, for the measures they pursued; or that they deserved to be paid; and he was still of the same opinion. It was a matter of the utmost indifference to him, whether ministers were in the pay of France; or, in order to preserve their places, concurred, for the sake of the emoluments of office, in measures which they knew must be ruinous to the country. He did not wish that we should have no army; but how could he trust an army to the hands of the present ministers, unless he wished to see it surrendered up to Washington? One army had been lost at Saratoga, another at York-town; and God only knew what third place would be signalized by the loss of a third army. The people felt those losses and disgraces; but ministers must not be blamed, becase they criminate the commanders. General Burgoyne was blamed; sir William Howe was blamed; sir Henry Clinton was blamed; sir Samuel Hood was blamed; and so was admiral Graves: but this must not exculpate ministers; for if the generals and admirals were all to blame, ministers must be so too, for employing commanders unequal to the task imposed upon them.

Mr. *Adam* said he had every reason to believe the motives on which the negative to the Speaker's leaving the chair was founded, were improper, because in seven years experience, the gentlemen who supported the present proposition, had never taken that step before, although they had uniformly professed themselves equally averse to the American war. The hon. gentleman, who spoke last, had talked of the humiliation of the minister, and a variety of other topics, all of which were, in his humble opinion, wholly unconnected with the question then under consideration. The question singly was, whether in the present situation of the country, that House would grant a supply, before ministers expressly declared in parliament what they meant to do? And here he begged leave to remind the House that the King's speech expressed the object of the war, but not the mode of carrying it on. To declare how the war was to be conducted, would be highly wrong; besides, the hon. gentleman who spoke last, had said, he found it impossible to bring any question before the House, that could come at it; how, then, could ministers give the pledge required? Yet it was recommended to refuse supplies, till such time as that was done, which was confessed to be impossible. In his mind, to refuse the supplies, would give a final blow to the safety of the country, and be more fatal than all the calamities of this war united. Join the retreat from Boston, the surrender at Saratoga, the retreat from Philadelphia, and every other disaster of the war to the fate of lord

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Cornwallis and his army, and all these misfortunes collected, would not fill up the measure of calamity so completely as this one proposition, which involved in it the disbanding the army, the annihilating the navy, and the desperate desertion of the defence of the country!—When he said this, Mr. Adam declared, he was far from meaning to pronounce the proposition unconstitutional. Certainly, the right now desired to be exercised, was inherent in the Commons of England. Though never claimed or put in force since the Revolution, it was by no means taken away, when the constitution was new modelled at that period. Gentlemen would remember that two sorts of revenue were settled, and as it were engaged for at that time—the private revenue of the crown, and the public revenue of the people. The one was appropriated to the maintenance of the prince, and several well known purposes of state, the other to the defence and support of the kingdom. This settlement rendered the use of the right, now desired to be exercised, difficult, but the great and solid advantages gained for the people at the Revolution amply compensated for this inconvenience. There were possible situations of the kingdom, in which the right in question might be exercised, without injury to its welfare; but it could never be exerted in the midst of a dangerous and difficult war, and when the kingdom was surrounded with enemies, without being followed with the most fatal consequences. At such a time it must inevitably destroy the existence of the country, and at once excite, aid, and ensure success to the hostile operations of its foes. The condition, on which it was laid down by both the hon. gentlemen, that the supply would be granted, was destructive, because it was unfolding the means by which we were conducting the war: a matter which ought undoubtedly to be kept secret, as the disclosure of it would infallibly be a cause of triumph and exultation to France and Spain, to Holland and America.—After mentioning the situation of Louis the 14th in 1708-9, when the duke of Marlborough, by the successful gallantry of the victorious arms of Great Britain, had carried famine and desolation almost to the gates of Paris, and saying that de Torcy would have been pronounced mad, and Chamillard a fool, had they proclaimed the object, extent, and nature of that war, he asked what would be the consequence if the King's Speech, or that of the minister, was to declare the mode in which they meant to conduct the war this country was at present engaged in? Let them, said he, take care to exert every means, but declare none. The sole purpose of the question, if the supply were refused, was to turn out the ministers. There were many other methods of doing that, which the same House of Commons would adopt, that would be induced to refuse a supply. Take those means of removing the grievance, or insuring the pledge required, but do not adopt that, which must end in the destruction of the country, by suspending the power of action, and every possibility either of attack or defence!—The hon. gentleman, who spoke last, had adverted to the 10th article of lord Cornwallis's capitulation. His feelings upon it were dreadful and distressing, and he was persuaded lord Cornwallis must have had some strong necessity for acceding to that article. Lord Cornwallis was, as an hon. gentleman (Mr. W. Pitt,) whose wonderful eloquence had astonished the House, had said, above praise; and he was sure, he was beyond detraction. If he had committed faults discoverable by critics on their reviewing that conduct, which they had no share in, and were scarcely competent to decide upon, let it be remembered that the greatest generals had never fought successfully without declaring, that had they the battle to fight over again, they would have fought it differently. What was their apology after victory, might be the apology of lord Cornwallis after defeat. The lustre of his former gallantry was too brilliant to be tarnished by a single error, and so persuaded was he of lord Cornwallis's activity, skill, and exertion, that he was convinced, had he been appointed to the first command in America, in the earlier periods of the war, that House would not have been then lamenting their situation, America would have been reduced, and the House of Bourbon not have avowed its perfidy. The want of skill and exertion in others had brought the country to its present dilemma, without the merit, and without the activity of its enemies.

Lord *Althorpe* said, he was thoroughly satisfied of the necessity and propriety of withholding the supplies for a short time, by the strength of the arguments made use of by the hon. gentleman who first opposed the motion.

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Mr. *Montagu* spoke on the same side as lord Althorpe, to whom he paid some very handsome compliments on his promising abilities; and said, that the reason why supplies had not been denied since the Revolution, was, that till lately the principles of the Revolution had been observed, and had thereby rendered this interference of the Commons unnecessary.

Lord *North* said, he rose to explain how far the House was bound and not bound by the Address: it certainly was not bound to the American or any other war; but it was bound to make a provision for the necessary expences of government. It had promised it; and, unless gentlemen wished that there should be no government at all, a supply ought undoubtedly to be granted. Gentlemen said they wished to strengthen the crown by withholding the supplies, as by that means they would force ministers to adopt such measures as would regain to them the confidence both of their fellow-subjects and of foreign powers. It was well that gentlemen had said, that, by withholding the supplies, they meant to strengthen the crown; it was an intention, which, if they had not been pleased to reveal, no one could ever have been able to guess. He was for strengthening the hands of government by granting a supply; they, by withholding it: the matter was at issue between them. Which, then, was most in the right? The granting of a supply speedily and cheerfully would convince our enemies that we were not depressed by our misfortunes: the withholding a supply would produce this dangerous consequence, that our enemies would be taught to believe, that, in this most critical moment, the King and his parliament were no longer one. [The noble lord begged pardon for saying "the King:" gentlemen would know he meant "the Crown."] Such conduct would only become a nation ready to accept any terms that a conqueror should dictate, and not a people who wished to treat with arms in their hands. But, in another point of view, it was the maddest line of conduct that could possibly be conceived; for though we should renounce to-morrow all the wars in which we were engaged, still there would be a necessity for a supply to support our peace establishments. But gentlemen said they did not mean to refuse the supply; they only wished to delay it for a few days: but where was the certainty that, at the end of a few days, gentlemen would be more ready to grant a supply than this day? It depended upon circumstances and events; and if these events should not in four or five days take place, then the same reason would still continue for delaying the supply. A pledge must be given to parliament; but what that pledge was, nobody had thought proper to mention: with some it might be a change of ministry; with others a renunciation of the American war; with a third set, of the Dutch war. One gentleman had said that many grievances existed, which ought to be redressed: the consideration of those grievances, and their remedies, must take up a considerable time, and in the interim we must be without fleets or armies. The influence of the crown must be reduced, said another gentleman; but could that be the work of a day? The influence must be first discovered, traced up to its source, and then remedied: this must also be a work of time; and in the interim, the trade and navigation of the empire must be destroyed for want of the navy! Another gentleman must consult his constituents, and said that all the members ought to do the same, before they voted away the money of the people: the sense of the people at large must therefore be taken, and a species of general election resorted to, before a supply could be granted. Did gentlemen see the folly of this conduct? He trusted they did; and that they would not persevere in an opposition to the supply, which would be madness, even in time of peace, but dreadfully fatal in the present stage of the war.

Mr. *Vyner*, though he was no advocate for the American war, yet thought it might be dangerous to delay the supplies, and therefore should vote for granting them.

Mr. *Thomas Pitt*, in reply, said; I should not have trespassed again upon the indulgence of the House, if a circumstance had not happened that calls upon me, in a more peculiar manner, to explain myself upon what it would be so extremely improper I should pass over in silence. The noble lord in the blue ribbon dropped a word in the heat of argument, which he corrected himself in at the moment, and which, however irregular, and more particularly so in the minister, I will do him the justice to believe, had not the smallest intention to offend against the rules of this

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House, much less to intimidate the debate by the authority of a name, which it is therefore the usage of parliament most cautiously to avoid mentioning. After however having done justice to the intention of the noble lord, permit me to say, that that name having been used in the debate, I should feel myself wanting in the respect I owe towards that personage, if I did not declare the most loyal attachment towards the person of his Majesty. The noble lord had said, "Is it fit to hold out to all Europe, that the King and his parliament are no longer one?" God forbid, Sir, that I should live to see the melancholy hour, when the King and his parliament shall be disunited. But, Sir, if the noble lord had used that constitutional expression which is only known to this House in our debates; had he warned us against the appearance that the crown and the parliament were no longer one; I will tell the noble lord, without disguise, that such was my intention, such was my only purpose, in the proposition of this day. Yes, Sir, it is my wish to set the crown and the parliament at variance, in direct opposition to each other. I trust I do not hazard myself in this expression. What, Sir, is the crown but the executive power of government? What is parliament but the deliberative? What is this House but that branch of the deliberative power that is trusted with the purse of the people? Sir, it is because these powers are not one, it is because they are disunited, that this government has obtained the admiration and envy of every other nation, and that I have now the honour to address you in that chair. When the crown, when the executive power, shall be ill-advised and ill-administered, it is for parliament, it is for the deliberative power, to interpose; and more peculiarly for this House to exert its important privilege, by shutting up the purse with which it is entrusted. A long and obstinate perseverance in a fatal system of error has brought this country, through successive calamities, to the brink of the precipice, if it is not already in it. What then is our last resource? No longer to appeal to the reason or the feelings of ministers; for their conduct has been in the teeth of reason and argument, and we have too much experience that they have no feeling. It is to this House we must make our last appeal. The remedy is in our hands, and the crisis calls loudly that we should exert it. The prerogative of the crown stands on the one side; it has a right to bind us to the war, and to the ministers who shall have the conduct of it. What have we on the other side to oppose to this prerogative, but the privileges of this House, the exercise of which upon this day will perhaps decide the future existence of the country. The noble lord has, with his usual ability, endeavoured to throw into a light of ridicule the proposition of supporting government by with-holding all the supplies of government, till some pledge is given to this House of a change of system from a sense of contrition for past errors. Now, let me ask the noble lord, which he esteems his best supporter in private life, his friend, or his flatterer? His friend, who sincerely tells him necessary, though unpalatable truths; who shews him the errors of his conduct, and who opposes them with the intention of extricating him from the mischiefs he is involved in; or his flatterer, who, indifferent to his ruin, assists every delusion that can plunge him deeper into perdition? Yes, Sir, government has been supported. Fourscore millions buried already in this war, threescore millions annihilated for ever in the pockets of the stockholders by the reduction of the funds, a depreciation of at least one-third of all the lands in England, are the confidence that has been reposed in government. What has it purchased for us, but the dismemberment of half our empire, and perhaps the extinction of our commerce! Go on, Sir; support government but a year or two longer as it has been hitherto supported, and there will scarce remain a crown upon the head that wears it.—The noble lord is pleased to acquiesce in the undoubted right of this House to withhold or to deny the supplies of the year; but, if we may judge by his arguments, which apply to every possible case, it is one of those rights which can never be with propriety exerted. Alas! Sir, I would not thank him for the right without the exercise of it. We have heard enough of speculative rights, and they have cost us dear enough already. If it is merely a right in theory, it is not worth contending for: if it is an important right, and essential to the constitution, it must be such a right as may be safely exercised when the occasion calls for it; and there never was an occasion that called for that exercise more than the present. But the noble lord contends, that it has not been brought forth since the Revolution: a very worthy and dear friend of mine (Mr. F.

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Montagu) has assigned the reason—because since that glorious æra the principles of the Revolution have till late years animated government, and rendered such extraordinary exertions unnecessary. It is because those principles are forgotten; it is because I avow that I have lost all confidence whatever in the servants of the crown in the executive government, that I now call for this interposition, to save the country from inevitable destruction. An hon. gentleman, who spoke early in the debate, and in terms which I am sure did me personally great honour, (Mr. Adam), stated the exercise of this privilege as a thing that could apply only to possible cases of the most improbable nature: he has stated an extravagant hypothesis as only sufficient to justify such a measure. For God's sake, Sir, let me not be driven to the necessity—I wish to avoid it—it is too delicate—let me not be obliged to state the hypothesis of the present hour in all its circumstances, which would appear more extravagant than his wildest imagination has suggested to him. But, Sir, I am told, the enormity and extent of this proposition is such, that it is impossible I could myself have seen it in all its consequences—I should have suffered the House to have gone into the committee, and have objected to the particular services. Yes, Sir, and I should have been then told that every one of my objections was ill placed; that no one of the services could be crippled, without endangering, perhaps, the object of the whole. No, Sir, it is to no service in particular I object; it is to the whole together; it is to the granting away the money of the people, till I have some reason to hope, at least, that it will not be employed in heaping fresh calamities upon us. It has been represented as if my proposition went to the total extinction of all the functions of government, the disbanding your fleets and armies, and refusing the supplies which we have promised in our Address to the Crown. Sir, the mode I have chosen has been directly the contrary. I have not objected to the referring that part of his Majesty's Speech to a committee, but to your now leaving the chair to enter into that committee. Let this House be once satisfied that the crown is seriously convinced of its past errors, and then, Sir, put me to the trial; see if I am not as forward as any man in this House in exerting every effort in this melancholy crisis to redeem us from our abject situation. It has been observed, that gentlemen on this side of the House have seemed to differ as to what pledge they would expect before they would concur in the supplies. Sir, every man must be determined by his own conviction. I have not presumed to think for others. I shall be determined by my own. As long as I believe the supplies will be perverted to our detriment, so long will I refuse my concurrence: when I have reason to be satisfied there is a change of system, and that we have better hopes, that moment will I give my most cordial support and assistance. I have stated, upon a former occasion, to this House, how little interesting is any change among the servants of the crown, whilst the system remains unshaken. Should there be an administration formed upon other principles; an administration which might embrace the talents and efficiency that are still to be found amongst us; an administration founded on the basis of the public prosperity, who, when they had one foot in the closet, remembered always to keep the other firm in the interest and affections of the people; such an administration would not be indifferent to me. I should look up to it as the last hope of this devoted country. Whatever changes may take place, I shall watch with jealousy: if their conduct deserves my approbation, it shall receive my warmest tribute: if otherwise, I trust I shall bestow my censure with the same honest sincerity which I have used towards their predecessors. The noble lord has affected to establish a distinction between the different revenues of the crown. I have never been able to see such a distinction. All monies that are levied upon the people, in whatever shape, have, in my idea, but one object,—the safety, the prosperity, the splendour of the nation, which are inseparable from the interest of the prince upon the throne; and, in my opinion, there is an end of the constitution, when any such distinctions are established.—Upon the whole, Sir, the right contended for, no man has presumed to controvert; it is coeval with the constitution of parliament, and essential to a free government. The moment calls aloud for the exercise of it. It is effectual and it is safe. The noble lord, and others on that side of the House, have endeavoured to raise our apprehensions by the alarming mischiefs it would draw upon us at home and abroad. I am not apt to pledge myself. I believe this is almost the first time

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I ever presumed to submit a proposition of mine to the consideration of this House. Will gentlemen for once give me their confidence? I will be responsible to them for the measure. I stake my credit and my character, and, if they please, my head into the bargain, that not one of all the evils foretold to us shall be the consequence of it. Walk with me this night into the lobby, and to-morrow's sun shall not rise before all your apprehensions shall vanish into air, and the most timid amongst us be re-assured. No, Sir, not one ship shall be paid off; not one man disbanded. When the privilege of this House is opposed against the prerogative of the crown, it is an unequal contest, and is decided in the moment. Foreign nations will then begin to recollect the resources of a free government. When our system shall be changed here, theirs will also change towards us. Our friends, if we have any, as the noble lord expresses it, will dare to take confidence in us again; whilst our enemies, no longer counting upon our weakness, will once more respect our councils, which they now despise. The united strength of this exhausted country may be pointed in one last effort, and we may preserve at least the remains of our diminished empire from the complicated ruin that hangs over it. I cannot sit down, Sir, without thanking the House for their extreme indulgence to me, and particularly the gentlemen on this side of the House, for their able and powerful support upon this occasion. As for me, whatever be the consequence of the vote of this night, I have discharged my duty. I have brought your attention to the present alarming crisis; I have shewn you a safe and an effectual remedy within your own powers; and have stood forth among the dangers of the country, as a disinterested and faithful citizen.

The question being put, that the Speaker do now leave the chair, the House divided:

Tellers,

Yeas	Sir Grey Cooper - - - Mr. Orde - - - - -	172
Noes	Lord Althorpe - - - Mr. Frederick Montagu	77

So it was resolved in the affirmative. The House then went into a committee, and voted that a supply be granted to his Majesty.

Case of Mr. Laurens.] Dec. 3. After the private business was over, it was expected that Mr. Burke, according to notice he had given, would make some motion concerning the treatment of Mr. Laurens, a prisoner in the Tower; but the hon. member not being in the House, the Speaker was going to put the question to adjourn, when Mr. Fox said, that his hon. friend had not departed from his intention, and that he had sent to his house to know the cause of his present absence, and expected the return of his servant every moment. Upon this, the House agreed to wait. But in less than a minute

Mr. *Burke* came in, quite out of breath. He said he was extremely sorry, and begged pardon, for making the House wait. He was in the greatest confusion, but his confusion did not arise so much from a sense of delinquency on his part, as of the extraordinary and excessive indulgence of the House. The business on which he had expressed an intention to trouble them, was of very great importance, as it involved a question that concerned the justice and dignity of the nation, and might be productive of disagreeable consequences in America. From the moment he had agreed to undertake the business alluded to, he had taken extraordinary pains to get the best information, and the best advice on the subject, lest from any omission on his part, or any impropriety in the mode of proceeding, he should injure the venerable character in the Tower, whose situation he wished to relieve. He therefore had written on Sunday to an hon. friend, one of the clerks of the Treasury (sir Grey Cooper), to know if ministers had any objection to have the Lieutenant of the Tower examined at the bar: unfortunately his hon. friend happened to be out of town, and he did not send an answer to his letter till this day at about half past two o'clock. The answer, however, did not convey much information to him; for it told him only that the noble lord in the blue ribbon had no objection to have the Lieutenant examined, if proper grounds should be shewn for bringing him to the bar. This only told him what he knew before, that if the noble lord should like the motion, he would not oppose it; but it did not give him the information he wished for. On the receipt of this answer, he immediately went to a friend for advice, lest he should do something wrong, by trusting to himself; and this was what had hindered him from arriving time enough to prevent the House from being put to

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the trouble of waiting for him; which put him in the situation of the convict, who, being tardy in going to execution, was asked how he could keep the justice of the nation waiting for him. He still was at a loss what to do, and could not think of proceeding without taking farther advice, and therefore he was under the necessity of supplicating the House to pardon him for not now bringing on a business, which he wished for a further delay to consider more fully.

Lord *North* said, that the substance of the answer, which he had given directions to have sent to him, was, that there was nothing peculiar in the case, that could, on the first blush of it, render it improper to have the Lieutenant of the Tower examined at the bar; and that therefore if the hon. member should shew such general grounds for passing his motion as ought to induce the House to do it, he certainly would not give it any opposition.

Sir *Grey Cooper* gave the same explanation to the letter he had written.

Nothing more was said, and the House adjourned.

Debate in the Commons on a Motion for an Enquiry into the State of the Mahratta War.] Dec. 4. General *Smith* moved, "That it be an instruction to the Committee of Secrecy, appointed to enquire into the causes of the war that now subsists in the Carnatic, and of the present condition of the British possessions in those parts, that they do enquire into the rise, progress, conduct, and present state of the Mahratta war, and all other hostilities, in which the presidency of Bengal now are or have been engaged in the support of that war, and of the effects which the said war and hostilities may have produced in Bengal, and the other settlements and possessions of the East India Company." He said the Mahratta war was a war of vanity and ambition; a war which had given rise to that confederacy which had already brought our affairs in the East Indies into the most perilous situation; and which, if not speedily attended to, might in a very short time totally put an end to the dominion of this country in India.

Mr. *Dundas* rose to request the hon. gentleman would withdraw his motion; because it would open too wide a field for the committee, would protract their sittings, and prevent them from bringing the great business entrusted to their care, to as speedy a conclusion as might be wished for. The motion in itself did not appear to him necessary; for, though the committee was a committee of secrecy, he might venture to say this of their proceedings, that they could not come to any conclusions with respect to the cause of the war in the Carnatic, without entering amply into that of the Mahratta war: nay, they had already made a considerable progress in it, as the House would see by the next report, which he flattered himself would be ready to be laid before the House immediately after the holidays; and if in that report, the hon. gentleman should not find that the committee had sufficiently entered into the Mahratta war, he would then have no objection to the present motion.

General *Smith* said, that only one reason could induce him not to give way to the learned lord: and that arose from this circumstance, that a fleet was shortly to sail for India, and he thought it would be absolutely necessary for the good of our affairs in that quarter, that it should carry over the news, that the House had taken up the subject of the Mahratta war, and intended seriously to pursue an enquiry into it. The posture of our affairs in India made such a communication absolutely necessary; for if parliament should not interfere, and speedily too, he was convinced, that in a short time such a confederacy would arise among the country powers, as would completely overturn our empire in that part of the world.

Mr. *Jenkinson* said, that at first he intended to vote against the motion, but the hon. member had convinced him what he had moved for was so highly proper, that he would not give any opposition to the motion.

Sir *Thomas Rumbold* said, that, though the committee to whom the consideration of the war had been referred, was called a committee of secrecy, their proceedings had not been so secret, but that they had found their way to public view, and were handed about with comments highly injurious to his character. It was another cause of complaint with him, that from the first moment the committee had met, to the present hour, he had not had an opportunity to say a syllable in his own vindication: this was a hardship which was rendered the more intolerable by the comments to which he had already alluded. The committee at their first meeting were at a loss how to proceed, or even what to

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begin with; and though he had advised that some of the gentlemen who had been in India might be permitted to attend them, and give them such hints as might facilitate the progress of their enquiry, his advice had been disregarded. He had much more cause to complain of the Board of Directors; for he could say of them, that they had dealt unjustly by him. The Mahratta war ought undoubtedly to make a part of the enquiry of the committee, for it was greatly connected with that of the Carnatic: and so far was he from wishing to prevent them from turning their attention to it, that he wished to enlarge the field of enquiry, and carry the retrospect back to the year 1772 or 1773, when a new mode of government was introduced in India, and introduced only by way of experiment. The committee should not be less attentive to the conduct of the directors at home, than of the Company's servants abroad; and if it should be found that the directors had not attended to the advices sent to them from India, and had neglected the counsels of the Company's governors, then the committee should be as severe upon them in their report to parliament, as against any of the persons employed abroad by the Company.

Mr. *Gregory* wished not to anticipate the reports of the committee; but this he might say in their behalf, though he was not one of their members, that they had attended so closely to the duties of the trust committed to them, that they had not lost a day since they had been appointed. With respect to the directors, he made no doubt but if they had been wrong, the committee would not spare them; for he was convinced, that nothing would have any influence on them but right and justice. To the labours of the committee, he looked for the preservation of our dominions in India: if they should remain unattended to by the legislature, he was convinced they would not long be ours; but if such wholesome regulations should be adopted, as he flattered himself would be carried into a law, he then would hope and trust, that those possessions would remain very long under the dominion of Great Britain, and prove of the greatest value to the nation.

The motion was agreed to.

Debate on Mr. Burke's Motion for a Committee to enquire into the Confiscation of the Effects of his Majesty's new Subjects in the Island of St. Eustatius.] Mr. *Burke* rose to enter upon the subject of which he had given notice relative to the conduct of sir George Rodney and general Vaughan at St. Eustatius; but as he intended to move for a committee, he did not think it would be necessary to go into a detail of the business at this moment, if the House should think proper that a committee should be appointed. He was here called upon to make his motion, that the House might judge, whether it would be proper to agree to it or not. He then read it, viz. "That this House will resolve itself into a committee of the whole House, to examine into the confiscation of the effects of his Majesty's new subjects of the island of St. Eustatius, as well as of goods and merchandize the property of his Majesty's British subjects, and into the sale and conveyance of the same to places under the dominion of his Majesty's enemies, and to other places, from whence his said enemies might be easily supplied therewith."

Lord *George Germain* said, that there were assumptions in the motion which could not be proved; or, at least, which ought to be proved before the House could, in justice, agree to it; and this was the sale of the goods in question, either to the enemy directly, or indirectly through other hands. With respect to the confiscation, that was a matter to be discussed in another place: the legality or illegality of the measure was properly cognizable in a court of law: the parties concerned had resorted to the law of the land, and by that law the legality or illegality was to be ascertained. The matter being at issue, did the hon. gentleman wish to interfere? Or would the House think it just to come to any resolution respecting the transaction, *pendente lite*? If the commanders had done wrong, the injured parties would be redressed; if they had done right, the law would say so.

Mr. *Burke* replied, that the doctrine laid down by the noble lord would, if adopted, be productive of the greatest mischief; for in every case, where a question of law and of state policy were united, one of the parties concerned had only to appeal to law; and then, *pendente lite*, the policy of the nation must sleep, and by proper manœuvres it might be made to sleep till doomsday; for if it was not to be awakened till the suit should be determined, it might rest almost for ever, as might suit the interest of the parties concerned never to bring the matter to issue; and then no

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decision having been had, and the *pendente lite* still remaining, the question of policy, according to the noble lord, could not, or at least ought not, to be agitated. Such reason was too ridiculous to be adopted by a House of Commons.

The hon. gentleman here entered upon the subject. He began with ridiculing the conduct of the admiral and general in directing their great force against the place where the least resistance was to be expected, and attacking with a small force the places that were most capable of defence, viz. St. Vincent's and St. Eustatius. The admiral inconsiderately, and without proper information, attempted to take the former with a small force; but finding himself unequal to the task, he gave up the design, but not without shewing upon what principle he carried on the war: he had been invited by the calamity of the hurricane which he hoped had desolated St. Vincent's, to make a descent on that island; but finding the enemy stronger than he expected, he was determined to distress the poor inhabitants as much as he could; and as he was not able to carry this island, he endeavoured to distress it as much as possible, and carried away all the negroes that he could collect. The inducement which the admiral had to invade St. Vincent's was so repugnant to the dictates of humanity, that it was really astonishing, how the noble lord, who was secretary for the American department, could think of publishing that part of a letter, which said it being probable that the hurricane and earthquake had so weakened the island of St. Vincent's, that a British admiral was resolved to add the horrors of war to the scourge of heaven, and to destroy by the sword those who had survived the dreadful calamity of storms and earthquakes. The publication of this letter was impolitic to the last degree; for, as we were determined at all events to carry on the present war, it should have been the care of ministers to conciliate, as much as possible, the good will of the different states with whom we are not at present at war. Our ministers should have considered two things: what force they had themselves to prosecute the war, and how they might increase that force by alliances: as to our own force, it was well known that it was inferior to that of the enemy; ministers were therefore highly to blame in publishing a letter that would naturally make other powers not only lukewarm in our cause, but even induce them to think that we deserved our fate. It was a mistaken notion that cabinets were mere machines, moved only by interest: cabinets were composed of men, and men must have their feelings and passions. If we had always acted upon the defensive, never provoked an enemy, or made an improper use of our own force, we should be pitied at least in our distress, and compassion might raise us friends: but the publication of the letter he had mentioned, must, he was afraid, have stifled compassion in the breasts of all the princes of Europe, and made them think we deserved the misfortunes we suffered; and the more so, when the conduct of the French admiral had furnished them with so striking a contrast: sir George Rodney attacked St. Vincent's, but not being able to take the island, he carried off the negroes, in order to distress the inhabitants as much as he could; comte de Grasse, when he took Tobago, forced all the privateers to deliver up the negroes he had taken from that island, and restored them to the inhabitants, whom he even permitted to send their produce to England, if they should please.

Our commanders, having miscarried before St. Vincent's, directed their arms against St. Eustatius; and as they knew that no resistance of any consequence could be made, and that three stout privateers well manned might have taken the place, the British commanders, to keep up the consistency of their conduct, appeared before it with 15 ships of the line, a proportionable number of frigates, and 3,000, or at least 2,500, of the best troops in the world. The force to resist this powerful armament consisted of a few pieces of useless artillery, and about 96 soldiers, who might be assisted with some invalids, &c. to the amount of 24 more; in all about 60 men. The place, being incapable of defence, surrendered at discretion; but it seems that our commanders interpreted discretion into destruction, for they did not leave the conquered a shilling. Discretion, in the language of the civil law, meant *arbitrium*, not *arbitrium cujuslibet pravi*, but *æqui bonique viri*, and of course was to be taken in a favourable interpretation: and therefore the moment the people laid down their arms, they were entitled to protection; for where hostilities end, there protection begins; the inhabitants ought therefore to have received protection, though, from the manner of their surrender, they could

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not claim a privileged protection. But what was the protection they received? Their warehouses were locked up; their books taken from them; their provisions even withheld; and they were compelled to give in an account of all their ready money, plate, jewels, &c. nor was rank, or sex, or age, spared in the general order; all were included, and all were forced to comply; nay, so great had the hardships been, which the inhabitants were forced to undergo, that governor Meynell, who died, was supposed to have fallen a victim to the hardships he had endured. The next measure was the general proscription of all the inhabitants, by which they were ordered to quit the island; all without exception: the Dutch were banished because they were Dutch; the Americans, because they were the King's enemies: Ill-fated Americans! destined to be always the objects on which the English were desirous to heap misfortunes; banished as enemies from St. Eustatius; surrendered without condition at York-town, though friends! consequently destined to suffer, either as friends or foes to Great Britain, and to receive the deadly blow from her own hand. Among these, the case of Mr. Gouverneur was not a little remarkable; he had traded solely in dry goods, and no naval or military stores whatever had passed through his hands; but he acted upon commission from the Congress. This gentleman was seized, his property confiscated, and himself hurried on board, to be carried to England; while his wife was unable to obtain even a bed from her own house, for her husband and herself. It was true indeed, that on board they were both treated with the greatest humanity by commodore Hotham and captain Halliday; but the guilt of those who had treated them so barbarously could not be effaced by the humanity of other people. Mr. Gouverneur had no chance for his property in the hands of the admiral and general; they viewed him in a two-fold light, and thereby were sure to catch him doubly: they considered him as a Dutchman and an Englishman; as a Dutchman, they confiscated his property; as an Englishman, they confined him as a traitor, and sent him to England, to be reserved for the justice of his country to pronounce upon him. But did not the commanders know, that if he was a subject of this country, and even guilty of treason, his property could not be confiscated, until a jury of his country should have pronounced him guilty? It was conviction alone that produced confiscation, and gave the King a right, which a moment before he did not possess, to dispose of the convict's property. But the commanders went to work another way; they first confiscated and made sure of the goods, before they knew whether Mr. Gouverneur should be convicted or not; and then subjected him to the hardships of four or five months close confinement in a gaol, with the meanest and most depraved malefactors.

The French inhabitants of the island of St. Eustatius were also banished, but they were indeed treated with a degree of politeness which the other nations had not experienced: the Americans our subjects, and the Dutch our natural allies, were treated with uncommon severity; whilst the French, our natural enemies, met with some respect and politeness; probably because they were the subjects of a polite nation, or rather because a retaliation was apprehended. Letters indeed had passed between sir G. Rodney and the marquis de Bouille, which were conceived in language that equalled the highest that had been used in the wildest days of ancient chivalry; and there the admiral bid defiance to the enemy, and told him he did not dare to retaliate: but if retaliation had not taken place, it was not to be ascribed to fear, but to the native generosity of the king of France, and the sense he entertained of public justice. Our own merchants at home had solicited relief, but they could find it only at the foot of the French throne; and the British ministry, who could not be moved by the dictates of national justice, or the supplications of our merchants, soon gave way to a menacing letter from the court of France, in which the French king said, that, contrary to his natural disposition, he should be obliged, in justice to his subjects, to have recourse to retaliation, if the British ministry would not adopt a different line of conduct. Ministers then gave, and the French met with, better treatment after the menace had been conveyed to our court. It was really a matter of astonishment, that the English should act in a manner to provoke retaliation; yet so it was, that at the very time lord Cornwallis was surrounded with 42 pieces of heavy artillery when he could not so much as shew the nose of a gun to the enemy, general Arnold was employed in burning shops and houses in

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New Hampshire; and this species of warfare was unknown even to general Arnold, till he joined the British standard: but so common was that kind of war to the English, and so many acts had the enemy to retaliate upon them, that, by the most unheard-of article, lord Cornwallis was obliged to strengthen the flank of his capitulation, in order to screen his troops from all reprisals under the idea of retaliation.

The poor Jews at St. Eustatius were treated in a worse manner, if possible, than all the other inhabitants; they were stripped of all their money, and eight of them put on board a ship to be carried out of the island: one of them in particular, Mr. Hoheb, a venerable old gentleman, of near 70 years of age, had even his cloaths searched; and from this bit of linen (holding it up) which was sewed in the poor man's coat, were taken 36 shillings, which he had the consummate audacity to endeavour to conceal for the purpose of buying victuals! Here is the linen; and I can produce at your bar the coat from which it was taken, and the man who wore it. Mr. Hoheb was treated in the most harsh manner, as were all his brethren, for this concealment. This treatment brought to his mind a story of an Irish gentleman, who, finding his wife indulging a little too freely in the follies and amusements of London, carried her over to a venerable old castle he had in Ireland: the lady's acquaintance in London were much offended at this step, and their expressions of disapprobation reached the gentleman's ear: upon this he said the world dealt whimsically by him; "for," said he, "if I had run away with another man's wife, I should have been applauded, as a fashionable man; but because I ran away with my own wife, I am censured by the world." So with the Jew: he was ill-treated because he had endeavoured to carry away some of his own money. —With respect to the confiscation in general, the commanders were without the shadow of excuse; for they had very able assistance at hand, if they had thought proper to resort to it; they might have taken the opinion of his Majesty's attorney and solicitor general of St. Kitt's on the point of law, but no such opinion was ever called for, though Mr. Bridgewater, the solicitor general, had been twice with sir George Rodney: this was a fact which should be proved at the bar, if the House would go into the enquiry.

The commanders in chief having determined upon the confiscation, the next thing to be thought of was the sale of the goods. A proclamation was accordingly issued, promising free ingress and regress to all purchasers, together with security that their money should not be taken from them; and that they should be at liberty to carry away the goods they should purchase: this promise of protection *eundo*, *redeundo*, and *commodando*, might not have been thought necessary from any but the conquerors of Eustatius. Seventeen flags of truce were ordered from various parts to that island; and the goods being set up at auction, *ad crudelem hastam*, they were mixed so as to make proper assortments; and, in particular, a kind of sail-cloth called Maven's Stuff, which was generally used for scudding and stay sails, and of which kind half the sails of every American vessel were made, was sold to whoever should purchase, without taking any other notice of the purchaser, than to see if he had money enough. Another difficulty, however, was still to be obviated; the privateers were like vultures, hovering round the island, waiting for the return of the purchasers, to pick up their purchase. If this difficulty had not been obviated, there would have been no purchasers: a convoy was therefore promised to them, and actually granted; and he could prove that the convoy was the Convert frigate, capt. Hervey, which was appointed to see the purchasers with their commodities clear of the privateers, by which means the goods got safe into Martinique, a place which our privateers would never have suffered them to reach, if St. Eustatius had remained under the Dutch. Another circumstance was, that the goods so sold had been disposed of 50 per cent. cheaper than the Dutch had before that sold similar articles to the French; so that, in fact, the only use that the conquest of St. Eustatius appeared to be of, was, that the French and Americans had been supplied with stores, by conquerors, and at 50 per cent. cheaper than they used to get them from the Dutch. The provocation of the English, to confiscate every thing, was merely imaginary; for the Dutch sold equally to all nations: and though it was said in the last session of parliament, that sir G. Rodney had applied for cordage to the Dutch, but had not been able to obtain any, the reason was, that at the time they had scarcely

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any on hand. This was a fact; and he would prove it by the books seized there, and by living witnesses, who would also establish these two facts, that at St. Eustatius the English always had the preference at the market; and that at the time admiral Rodney could not obtain cordage at St. Eustatius, it was so scarce, that what little there was sold at 10 per cent. dearer than at St. Kitt's.

In the glorious business of the sales were the two commanders taken up from the beginning of February to the beginning of May; a period in which the admiral had 21 sail of the line under his command, and 3,000 veteran troops at St. Eustatius, while the enemy had not six sail at Martinique. That, surely, was the time for offensive operations, when the enemy had not force to oppose us; that, surely, was our time either to recover some of our former possessions, or to take others from the enemy: but that time was lost; and the first misfortune that sprang from it was, that sir Samuel Hood was left with an inferior fleet, to fight the superior force of De Grasse just arrived from Europe. The position of that admiral was not such as to prevent four of the enemy's ships in Fort Royal coming out and joining De Grasse: thus the enemy were strengthened, while our force was weakened by the detention of three ships of the line at St. Eustatius. If our fleet had been reinforced by these three, the four which came out from Fort Royal might have been blockaded; and in that case it is probable De Grasse would have been defeated; but this was lost by the conquest of St. Eustatius: a check to De Grasse would have disconcerted all the plans of the French cabinet: Tobago would not have fallen, and De Grasse would not have been left at liberty to bring upon us the dreadful disaster in the Chesapeak; another of the blessed consequences of the conquest of St. Eustatius, which, it had been said in an official dispatch, would have put an end to the American war: it might so indeed; but in the oracular way, by ruining us, and thereby disabling us from carrying it on. God send that the loss of Jamaica might not be the next effect of this fatal conquest! Tobago was taken under the very eye of sir G. Rodney, as De Grasse expressed himself; and the same admiral said in his dispatches, he had several times offered the British admiral battle, which the latter had thought proper to decline. This might be called a ground of crimination: the first notice admiral Byng had of a charge against him, was a copy of M. de Galisonniere's account of the action; but as this was, in his opinion, a hardship on admiral Byng, he would not charge sir G. Rodney from De Grasse's dispatches; but the capture of Tobago gave nevertheless an appearance of truth to the assertion of De Grasse. The capture of that island was of the greatest consequence to this nation: its cotton was the finest we got from the West Indies; and by the loss of Tobago that article had arisen from 1*s.* or 1*s.* 8*d.* to 3*s.* and 3*s.* 9*d.* It was a fact that 20,000 people in Lancashire got their bread by the manufacture of cotton. He trembled to think of the consequences that might attend the loss of Tobago, which he must ascribe to the three months delay at St. Eustatius: the admiral stood charged with that loss, and under the hand of the very governor of the island.

This was the sum of the charge: he wished that he might have an opportunity to enter into the proofs of it by evidence at the bar; he hoped a proper defence would be made to it, and the two commanders in question would not sit down contented with their own self-approbation, or the support of their friends in that House. Self-acquittal was not enough: a man might say,

——— Populus me sibilat at mihi plaudo
Ipse domi, simulac nummos contemplor in area.

but something was due to the public and to justice. For his part, he declared he never would abandon those whose cause he had undertaken, till the matter was sifted to the bottom. The character of an accuser, it was true, was odious; but it was so only when the accusation was brought against the innocent, the weak, the oppressed, or perhaps indigent culprit: but it was not odious to accuse guilt in stars and ribbons; guilt rewarded and countenanced by the official and the opulent.

Sir *George Rodney* began with saying, that when he appeared before St. Eustatius, it was for the purpose of cutting off supplies from the enemy, and with the fixed resolution not to grant any terms to the inhabitants. The Dutch, though nominally the friends of this country, had, during the course of his command in the West Indies, been the friends of our enemies; and to punish and check both, nothing had appeared more effectual than the reduction of an island, the inhabitants

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of which were animated with a rooted aversion to us, and the most cordial regard for our enemies: among those inhabitants were many, who, while they called themselves Englishmen, were not ashamed to disgrace themselves and their country, by assisting her enemies with the means to wound her: such people deserved no favour, and to them he had resolved to shew none. But when he seized all the property on the island, it was not for his own use; at the time he thought it would all belong to the King, and that it was his duty to see the most made of it, to carry into the public treasury: he wished not for a shilling of it; he had no other idea at the time, but that the whole belonged of right to his country, and therefore in all he had done for the preservation of that property, it was for his country, and not for himself, that he had been acting. The hon. gentleman charged him with having suffered the stores, provisions, &c. to be carried into the enemy's islands, directly, or circuitously through the neutral islands; but this was the very reverse of truth, for he had given orders, that none of the stores or provisions should be sold, but sent to his Majesty's yard at Antigua: and so strict had he been in this respect, that he was not satisfied with examining the clearance of every ship that went out; he caused her to anchor under his stern, and had her examined by commissioned officers; and if she had more provisions on board than were necessary for the voyage, they were always taken out. As to the charge of his remaining inactive for three months at St. Eustatius, his answer was, that he had in that time planned two expeditions, which he was just on the point of carrying into execution, the one against Curaçoa, the other against Surinam, when he received advice from the commander of a convoy, by a quick-sailing vessel, that he had seen 10 or 12 French sail of the line, with about 70 transports, steering for Martinique, and that he had kept them in sight for two days. This intelligence made him renounce his designs against the Dutch settlements; and he dispatched sir Samuel Hood with 15 sail of the line, to cruize in the tract of Martinique. Sir Samuel was as good an officer as himself, and therefore there was no crime in dispatching him on that service; and he thought 15 ships able to fight 10 or 12. Unfortunately, the intelligence had not been true with respect to the real numbers of the enemy; and sir Samuel had been driven so far to leeward, that he could not prevent the ships in Fort Royal from getting out to join De Grasse: this, however, was not a fault; it was unavoidable. His instructions however had been good; he had ordered the island to be blocked up, and that frigates should be stationed 10, 15, 20, 30, 40, 50 leagues from the shore, in the track of the enemy.—As to the ships he had detained at St. Eustatius, the Sandwich and the Triumph were at the time in so bad a condition, that he intended to send them home with the first convoy.—As soon as he had heard of the affair between sir Samuel Hood and the comte de Grasse, he joined the fleet, with a determined resolution to renew the action, if the enemy would give him a fair opportunity to do it. When the French landed at St. Lucia, he undoubtedly would have had the desired opportunity to come to action, if intelligence had not been conveyed to the enemy that he was approaching. A letter had been sent to de Grasse with that advice, and a duplicate of it was soon dispatched after: the first reached its address; the second was intercepted. The contents were, that the English were doubling Guadaloupe, and in 24 hours would be upon the French admiral with their whole force: this put an end to what de Grasse called his feint against St. Lucia; for before day-break he embarked the troops and sailed away.—With regard to Tobago, as soon as he heard it had been attacked, he immediately sent rear-admiral Drake with six sail of the line to relieve it: this he thought a sufficient force, as he understood that the descent had been covered only by two or three ships of the line, and the six he sent against them were the best sailors, and in the best condition of any in his fleet, and were all copper-bottomed. When he found the whole of the enemy's fleet was at sea, he was obliged to watch their motions; they endeavoured to allure him to leeward, but if he had been tempted to do it, Barbadoes would have fallen: he therefore was obliged to keep to windward, still determined to succour the island. He dispatched to Tobago three officers in three different vessels; two of them fell into the hands of the enemy; the third got to the house of a planter, and there, to his great surprise, he learned that the island had surrendered two days before, and was further told by him that 10,000 men could not retake it: at this time, the two fleets were in sight of the island. As to the

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charge brought by the governor of Tobago, all he would add to what he had already said was, that the guns he had sent the year before for the defence of the island had never been mounted. As to the disaster in America, he would tell the House what steps he had taken to prevent it. He had sent to the commander in chief at Jamaica, to send the Prince William and Torbay to America with the greatest dispatch; and he had sent also to the commander in chief in America, desiring he would collect his whole force, and meet him with it off the Capes of Virginia; and if he could not meet him, that he would let him know it by one of his frigates: but no answer had been sent to him or to sir Samuel Hood, for he himself was then so ill that he was coming home. He had sent twice to the admiral at Jamaica, and three times to the admiral at New York: one of his three dispatches miscarried, the vessel that carried it being forced on shore by some privateers; and from that circumstance he had learned always in future to keep copies of every dispatch, for of that he had none. If the admiral in America had not met sir Samuel Hood near the Chesapeak, the probability was that De Grasse would have been defeated, and the surrender of lord Cornwallis prevented.

General *Vaughan* said it was commonly believed that he had made a great fortune by the St. Eustatius business; but he would say upon his honour, and was ready to confirm it upon oath, that neither directly nor indirectly, by fair means or by foul means, had he made a single shilling by the business. The hon. gentleman was mistaken as to the number of the troops he had with him at St. Eustatius: they were short one-third of what he now stated them to be; nay, they scarcely amounted to 2,000, consisting only of three regiments, that had left many sick behind them at St. Lucia, and four flank companies. One of the reasons for locking up the warehouses, was to prevent plundering, from which he could scarcely restrain even the troops: fire, too, was dreaded in a place where many disaffected people lived, and who thought themselves injured by a confiscation of their property for treason. If any bad treatment had been shewn to individuals, it was without his knowledge, orders, or approbation; and when grievances were complained of, he redressed them: to Mrs. Gouverneur he had given the house and furniture when she applied to him. It would be hard, therefore, to make him responsible for the conduct of all the persons in the town. If he had refused to punish offenders, or to redress grievances, he might have been justly charged as an accomplice; but he had never refused justice to whoever had applied for it. As to the Jews, he had ordered them a ship to carry them to St. Thomas, at their own request; and after they had been taken to St. Kitt's without his knowledge, he had ordered their houses and property to be restored to them: and that they were well satisfied with his conduct, would appear from an address presented to him from their synagogue, expressive of their happiness at being under the mild government of George 3. He wished to lay the paper on the table, but that could not be done in point of order; and he was desired to read it as part of his speech, but he said he could not see to read it: sir George Rodney, however, read it for him. Upon the whole, he had acted to the best of his judgment, and for his country's good, not his own: as he was neither a lawyer nor a merchant, if the business was to be done over again, he did not think he should do otherwise; and therefore, if he had erred, his country would excuse the fault for the intention.

Lord *Mahon* thought the motion somewhat complex, and wished it divided into two.

Lord *George Germain* said, that the subject of the motion being now under agitation in the courts below, he must vote against it.

Lord *Fielding* said, if the motion was agreed to, it would detain the admiral and general in England, when their services were wanted abroad, and therefore he should vote against it.

Mr. *Dundas* said, he should make no objection to a motion for an enquiry into the conduct of the two commanders; but the motion before the House professing much more, he heartily disapproved of it.

Mr. *Jenkinson* said, if the hon. gentleman would strike out of his motion the part which related to the matter of private property, he should make no objection to the rest as far as it related to the point of national policy.

Mr. *Burke* divided his motion into two motions. In one he included the confiscation of goods; and in the other the sale of them, and the mode of conveying them away.

Lord *North* said he should vote against

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the first, because, it bore relation to the claims now in agitation; but as to the second, he should not object to it. The American war had, as usual, been introduced, and described as a war differing from all other wars. He did not see how or in what manner it differed from any of our former wars. He saw a great difference in that House. He saw the cause of the enemies espoused, and said he thought that no man with British feelings would join in the condemnation of the hon. admiral and general. With respect to the admiral, he must do him the particular justice to say, that he had received a letter from him, wherein he had said he did not consider the property taken at St. Eustatius as belonging to himself but to the crown, and that he only had the care of it.

Mr. *Fox* attacked lord North with some warmth, for saying he would not agree to the first question respecting the confiscation, and accused him of making the most shuffling shuffle that ever was attempted in the most shuffling times. With regard to the other assertion made by the noble lord, that this war did not differ from other wars, he wondered the noble lord should be so forgetful. Was not the management of the present war, was not the expence of the present war, and were not the events of the present war, different from all others?

Lord *North* replied, that, in speaking of the war, he did not mean the event, but the principle.

Mr. *Sheridan* said, he was very unwilling to trouble the House at so late an hour; but he thought it necessary to ask one plain question, and that was, did the hon. admiral and general consent to the proposed enquiry or not? For if they had no objection to it, there certainly would be no opposition to it. The noble lord in the blue ribbon could not possibly be so good a guardian of their honour as those commanders themselves. He therefore desired to know if they had any dislike to the enquiry, and if neither of them gave any answer, he should take it for granted that they had not.

Mr. *Burke* rose again upon the alteration desired by lord Mahon, and replied to the conclusion of lord North's speech. With indignation he declared he wondered how the noble lord dared to talk of British feelings. He! he! dare talk of British feelings! He! that has ruined the British empire, and wasted its blood and treasure! He said, he had British feelings, but he would nevertheless take the part of an enemy when he appeared to him to be oppressed. If, for instance, an enemy should be murdered after surrendering himself, he would stand forward as the prosecutor of his murderer: if, for instance, an enemy should have his property seized after capitulating, he should find an advocate in him: and if, for instance, an enemy complained of the minister having broke the faith of government with regard to him, he should find an advocate in him, and, he trusted, in the British House of Commons. With respect to the letter which the noble lord had received from the hon. admiral, acquainting him that the capture of St. Eustatia was a very rich one, and that it all, every farthing of it, was the property of the crown; he could not but admire, that such a minister as we had, who was an old minister, and a full-grown minister, should come to the House, and tell them, that he had received a letter from the admiral, informing him that every thing at St. Eustatia was the property of the crown, in answer to the proposed inquiry. From such conduct the minister might naturally be concluded a very young man, with a large napkin under his chin. The letter he thought more proper to have been sent to the Attorney-General; but he supposed the noble lord, who acted on the occasion as a lawyer, and sent word to the admiral, that the property was all his, as the Attorney-General would have done, had taken a fee for his advice. With regard to the question, the noble lord might do as he pleased with it. He might cut it, and mangle it, just as he pleased; but though he should cut it into a thousand pieces, if he got but any part of it, it would be sufficient for him. But the noble lord had divided his motion in a manner that put him in mind of a murderer, who having amputated all the limbs of a child, threw them different ways, in order that the father might be employed in picking them up, instead of pursuing the murderer.

Lord *North* said, that in speaking of the letter he received from the hon. admiral, he meant no more than to substantiate or confirm the fact, that the admiral had sent him such a letter.

Mr. *Burke* rose again, and called for the inquiry. He had a body of evidence to adduce at the bar, and would go into the matter that night, or whenever the House should please. He desired the

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House would suffer the inquiry to be gone into, and he would pledge himself that he would support every thing he had said.

Mr. *Byng* called the attention of the House to a very important object. He did not rise so much to speak to the motion, as to state the infringement made, year after year, upon the privilege of parliament, and the privilege of the constitution. Last year, he said, the House made no objection to the appointment of a committee to inquire into the cause of the Mahratta war, although sir Thomas Rumbold was at that very time under a prosecution of the court of King's-bench. But, now, this mode is said to be improper, and the inquiry is objected to, because one or two suits are depending in the court of King's-bench, for the recovery of property taken at St. Eustatius.

Colonel *Barré* said, that at so late an hour he would not trouble the House by going at large into the question. All he wanted was to remove every objection it was liable to, and to make it meet the approbation of all parties. He would therefore, with the leave of the hon. mover, restore the two motions to one with some alteration. He moved, "That this House will resolve itself into a committee of the whole House, to examine into the confiscation of the goods and merchandize found in the island of St. Eustatius, excepting such goods and merchandize as are now claimed in any court of law or equity."

The House divided:

Tellers,

Yeas	Mr. William Pitt - -	}	89
	Mr. Marsham - - -	}	
Noes	Lord Fielding - - -	}	163
	Mr. John Robinson -	}	

So it passed in the negative.

Debate on Mr. Hussey's Motion for adding 10,000 *Seamen to the number voted for the Service of the Year* 1782.] Dec. 5. The House being in a Committee of Supply,

Lord *Lisburne* moved, "That 100,000 men be granted for the sea service, including 21,721 marines, for the year 1782." It was a matter of supply so obviously necessary, that he would not take up their time in saying any thing to enforce his motion.

Mr. *Hussey* said it was common on such a day as that, and it was expected that the Admiralty should give the House some information respecting the state of the navy. Such a proposition as the present was not to be made in a loose, negligent manner; all the hopes of this country depended on the navy, and the House must know something of its management, and of its state. It was common for the Admiralty to give an account to parliament of the ships that were now in commission, and what were intended to be added, and what alterations there were in the navy in general.

Lord *Lisburne* then stated, that the number of seamen and marines voted by parliament last year was 90,000: that the number really employed in the course of the year was 118,000: that we had, in the course of the last year, 98 ships in commission; but that number was now diminished, for within something more than a year 17 ships of the line had been disabled, and six more totally lost in the late hurricanes, and by the accidents of war and sea: that, upon account of these losses, the number of ships now in commission was 92 only; so that there were six ships fewer this year than the last. But there were now upon the stocks, and would be launched in the course of the year, and in the yards repairing, at least 14 ships. The whole of the ships now in commission, great and small, amounted to 405. To the marines five new companies had been added, making the whole 151 companies. The greatest exertions had been made, and the Admiralty had done every thing in their power to increase and extend the navy of Great Britain in the present critical situation. The motion of the present day would prove their anxiety for the naval service. In no former year of the British history had so many as 100,000 seamen been voted. This was a greater number than was now actually in the service; but they were anxious to procure men, and to bend all their endeavours to this particular point. He trusted the committee would agree to the proposed motion.

Mr. *Hussey* said, that it had been his intention for a considerable time to move on this day, that 110,000 seamen should be granted for the naval service of the current year; and he had made this resolution on the most deliberate opinion, and also on the belief that ministers meant to move for no more than 90,000. But when he found that they designed to move for 100,000, he owned that, for a short time, he was induced to give over the resolution of moving for the addition; but, on con-

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versing with his friends, they were unanimously of opinion, that he ought to persevere in his intention; for it was an aid absolutely necessary to the welfare and success of our operations. He would therefore now propose, that 110,000 seamen and marines should be voted for the service of the current year. It was his sincere belief that ministry had not made all the exertions which they had it in their power to make; and that the Admiralty were criminal in not having made the exertions which were in their power. In the course of the present summer, he had made it his business to look into the efforts of the naval department. In Hampshire he had seen several private yards, where it was in the power of ministers to procure ships of the line. At Chapel, a little place near Southampton, where a ship of 64, and two of 44, were building, the master of the dock-yard said he was capable of building a 70 or a 74, and had done so about 25 years ago. In the royal yard at Portsmouth, he was astonished to see the negligence and inactivity that prevailed: there was no appearance of our being at war with all the great maritime powers of Europe. There were six slips; four of them were occupied by the Raisonable, the Trident, the Vengeance, and the Swallow: out of the fifth the Warrior was launched a few days ago; and in the sixth lay the rotten timbers of the St. George. He had no intelligence there but what any other man might have had as easily as he; he had given his name, and viewed the dock-yards, and he believed that there might be more shipping built there. At Bristol the master of a dock-yard said he could build a line-of-battle ship. There were many other private yards in the kingdom, where the Admiralty might build ships, and where they ought to have done so. With respect to manning the navy, much greater exertions might have been made. It was always his idea, that much benefit might be derived from having a number of landmen employed on board his Majesty's ships. He had not the benefit of a seaman's education, nor did he know what was the necessary time for qualifying a man as an able seaman; but he was inclined to think, that, in the course of only one twelvemonth, young landmen, if employed afloat, might be rendered ordinary seamen, and, in the course of a twelvemonth, an ordinary seaman might be made an able seaman. The benefit of having constantly a number of landmen on board would, therefore, be great; and it was his sincere wish that such a plan was adopted, as an experiment at least. He adverted to an argument made use of in a former year by sir Hugh Palliser, that, if it had not been for a combination formed in the dock-yards some time ago, our navy would have been stronger by the addition of at least one half more ships. This evidently implied, that, if they had the ships, they could procure the men; for without men the ships could not strengthen the navy. He wished to know why the marines were not suffered to go aloft, as they were in the last war; and why regiments of foot were not occasionally or constantly sent on board, It would be a wise method of recruiting the service. The Admiralty were criminal for not making greater exertions, and building ships, as they might have done, in the private yards. The motion which he was going to make would oblige the minister to apply 520,000*l.* more to the navy service than he was obliged to do by the proposed vote. In the one way the sum to be raised was 5,200,000*l.* in the other the sum was 5,720,000*l.* Perhaps the noble lord in the blue ribbon would make it now, as before, a question of finance. Great exertions must be made at sea, or the country would be lost; and every gentleman must feel that great exertions could not be made without great and adequate means. He meant therefore, by his amendment, to impound the 520,000*l.* which the noble lord well knew was the real value of his amendment, and fix it for the use of the navy. It would at least serve to pay off so much of the navy debt, if it would not answer better purposes, and be employed in a manner more useful; and he would do it the rather now, because he knew, when other services came to be provided for, he should be resisted. Perhaps the noble lord would say, "Why pinch the other services? The army must be provided for: surely, you would not stint and starve that service!" He would answer the noble lord fairly; it was what he wished to do, and he was sure he was serving his country by it. The great error of the war had been, administration had been too fond of the army, and paid too little regard to the navy. The American war had been the cause of this error, and that House had but too cheerfully and blindly co-operated with the views and wishes and projects of administration, mad

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and weak, and ill-judged as they had been. If America was to be coerced, the only probable mode of coercing her would have been by a powerful navy. Had we preserved the empire of the seas, France would not have ventured to have interfered, and we need not to have cared for all the world; we should have been at peace at this time, instead of the deplorable situation in which we now stood. He had always imagined that a great and gallant admiral, lately no more, but whose memory would ever be revered by his country, had left a large fleet to his successors, when he quitted the presidency of the Admiralty board; but he had heard gentlemen assert since, that he left no fleet at all, for his ships were all rotten. If they were, what had his successors been about, that they had not got more in their stead in so many years time? The noble lord had said, we had now 92 ships in commission, and last year we had 98; he expected to hear this unsatisfactory mystery cleared up. He concluded with moving, as an amendment, that the motion stand 110,000 instead of 100,000.

Sir *George Yonge* seconded the amendment: he accused the Admiralty of having made very little use of the vast supplies that had been entrusted to their hands; and expressed his opinion, that, if the money voted for the navy, during the last ten years, had been properly expended, we might now have nearly as many new-built ships as we have new and old together.

Lord *Mulgrave* differed with Mr. Hussey in respect to his manner of training seamen. Seamen, he said, were not to be made in one, two, or three years; nay, many thousands of ordinary seamen could never be made able seamen. They, and the landmen, might be very useful on board; but no officer would trust to them as they would to able seamen. Not a few months cruise, nor any thing like it, would even make them ordinary seamen: it required propensity, as well as understanding; and, unless men went early in life into the service, they seldom reached to a proficiency. Rude and barbarous as the seamen were generally supposed to be, it was not every man who could in any length of time become an able seaman. To be so ranked, required much greater abilities than the hon. gentleman seemed to be aware of. It was not an easy thing to make a landman a seaman; but landmen were still beneficial, and there were always a proportion on board. But the greatest objection that he had to this mode of succession was, that it tended to split and divide ships companies, to take them away, when disciplined, from the officers to whom they were endeared, and from the messmates with whom they were happy.—As to the exertions which the hon. gentleman recommended, the Admiralty had nothing more at heart than to see every thing done that could promote the public service; and no owners of private yards would they suffer to remain idle, that would undertake to build ships, and could perform their contracts. The hon. gentleman seemed to think otherwise from what he had heard and seen at two or three of the sea-ports; but, if he had the experience of the Admiralty, he would not credit all he heard: for he could assure him, that many offers had been made to the Board for building ships; sometimes in places where they could not be launched, and sometimes by persons who had it not in their power to perform their contract. An instance of this had lately occurred, where a man had applied to the Board for a contract, and was refused because he was not able to perform what he was willing enough to promise, and because the Board were actually suing him on his penalty, for not having fulfilled his last contract. The hon. member had mentioned the slips at Portsmouth, and said that in the yard he had not seen any hurry or bustle: he hoped that this might have arisen from the regularity and order observed in the yard, by which every man was employed in his own particular department; bustle and confusion were prevented, when every man knew his task, and was attentive to his duty. Though the hon. member had not seen any work performing on the ships on the slips, it did not follow that a great deal of work was not going forward. Besides, in time of war, very few ships of the line were built in the equipping dock-yards, the men of those yards having full employment in refitting, repairing, &c. such ships as were from time to time brought there for those purposes. At Chatham, line of battle ships were built somewhat more expeditiously; but neither there, nor indeed in any of the King's yards, were they built during the time of war very fast; and that for this reason—when ships wanting repairs which would take up but a few months to complete, were brought in, the men were always set to work upon

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them immediately, in order to get them to sea again as soon as possible. The private ship-builders' yards were the places where most of our ships were built during the time of war. It was usual, particularly since the coppering came in fashion, to carry on the repairs of the large ships at Spithead, because much time might be lost in waiting for winds and tides to carry them to and from Portsmouth, and they were therefore never carried up so far, except when it was absolutely necessary to do so.—His lordship assured the hon. gentleman, that the Admiralty were not disposed to omit availing themselves of every opportunity to have ships built, wherever such places could be found; and, as a proof of this, he would acquaint him with a circumstance which had very lately occurred. Orders had been brought over from Ostend, for building large vessels in the private yards in the river, for the emperor's India Company: by large vessels he meant ships of 11 and 1,200 tons. The Admiralty heard of the order, and immediately insisted that the masters of the yards should not undertake to execute them. Application was then made to the imperial minister at our court, to request that he would interfere, and try to persuade the Admiralty to withdraw their opposition: but his excellency was told by the Board, that they could not possible desist from their opposition; because, in the present exigency of our affairs, we stood in need of every hand that could drive a nail, and therefore could not consent that our shipwrights should work for any but ourselves; and the people concerned were given to understand, that if the laws at present in being were not sufficient to restrain them from building for foreigners at this time, application would be made to the legislature.—With regard to the combination alluded to by the hon. gentleman, he really knew not correctly what he meant. If it was the task-work plan, he could only say, that the profession he had the honour to belong to were divided in opinion upon the matter; some of the ablest men in the service thinking it a happy circumstance that the plan was stopped, and others maintaining that it was the wisest that ever was suggested. His lordship added, that the navy at present was greater than any navy this country had seen; and begged the committee to recollect, that upwards of 100 ships of the line had been put in commission since the year 1776. He concluded with observing, that every possible exertion had been made, both by the Admiralty-board and the Navy-board, to strengthen the navy, and add to the number of ships in commission; and that in the course of the year it would be much stronger than it was at present.

Mr. *Hussey*, in reply, said that the noble lord had given a most melancholy picture of our situation. What! would the noble lord undertake to assert, that this country could not make greater exertions than she had done? How were we to reinstate ourselves? To what use had so many millions been voted for the navy service? Did the noble lord plead the loss of the six ships, and the damage done to the other 17, as the cause that was to satisfy the committee, why our navy was less numerous by six ships than it was the last year? Did the noble lord think it was not the duty of the Admiralty to provide against the ordinary and incidental calamities of the service? Did the Admiralty suppose, we were to lose none of our ships in such a war as the present? For his part, he expected that we should have lost many more. It was wonderful we had not. Providence had been extremely kind to us, or we must have experienced much greater losses: and the Admiralty, considering what immense sums they had been entrusted with, ought to have given us more ships, and made more vigorous efforts. Ministers were highly criminal for having lost both our trade and part of our possessions; they had sacrificed both to the American war, and they ought to answer for it. He begged pardon for being so warm, but he spoke as he felt; and he could not help being indignant on hearing, that, notwithstanding the boast of the first lord of the Admiralty, of his having a superior navy to the House of Bourbon, we now not only had a navy inferior to theirs, but were told by a lord of that Board, that there was no hope of our being able to have one that was superior. He should persist therefore in his amendment, and they ought to thank him for it, and accept it joyfully. He wished to strengthen the hands of government; and if they refused the aid, there must be some secret, dark cause.

Admiral *Keppel* so far agreed with the noble lord, that it was not an easy thing to make able seamen out of landmen, but it was a most advantageous thing to have

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them on board, for they came up slowly and gradually to be most serviceable hands. It undoubtedly required that men should go young into the service to become able seamen. As to splitting ships' companies, and tearing from an officer the men in whom he had confidence, and who had confidence in him, it was a thing that he would never do: he would as soon put his hand into the pocket of an officer, and rob him of his gold, as he would of the men he had bred up. This was the fault of the present board. It was this which had divided and distracted the navy; which had driven men into the service of foreign countries, and had dispirited those that remained. It was a thing which had never been practised in former days; in the days of that great and gallant man, whom it was the fashion now to revile, but who was the father of the English navy, sir Edward Hawke. It had been said, that in his administration our fleet was not so great as it is now. He denied the fact: it was greater. He sat with him at the Board; he knew his conduct, both in his civil and military capacity. He had left behind him a name unrivalled in the maritime records of his country. There were, indeed, about 20 bad ships; but it was a singular thing, that of those ships which were appointed to parade before his Majesty, the greater part were the ships of sir Edward Hawke. They remained staunch and true to their country, like the old English oak of which they were made. Lord Sandwich's foreign men of war were not made for British service. He avowed that the Admiralty had not exerted themselves in procuring ships to be built. They had opportunities, and they had suffered them to escape. Perhaps it was not yet too late; but they studied and practised the most incompetent and unadvised plan, and they had by that means suffered the British navy to decay; and he must assert, though he did it without despondency, that we had better lie down at once than go on without a system. It was the most melancholy part of our situation, that the navy which we did possess was not directed to an object.

Lord *Mulgrave* said he had never accused sir Edward Hawke of being a bad officer. He thought him one of the greatest and most gallant seamen that ever distinguished this or any country. He loved and revered his memory; and he revered it so much, that he could not sit and hear him degraded by false praise. He was a seaman so great, and so good, that he was not formed for descending to the detail of the civil duties of office. He made no scruple to declare that he never regarded him as a great naval minister. There was one part of his character which rendered him as high as any other, and that was, that he had the virtue to retire from a situation, for which he found his abilities were not calculated. As to the Admiralty-board being bound to look for losses, and provide against them, it was true, and they had done so. But ships did not grow out of losses, nor were they to be built in a day.

Sir *Hugh Palliser* gave an account of the combination which took place in the yards in 1778, by which many of the ablest hands were lost to this country, and the Admiralty prevented from building so many ships as they otherwise would have done. He said, that this combination had been created by the wicked artifices of one Lee, a well known agent of Congress, who had succeeded in his traitorous purposes, and by giving the workmen money, and supporting them while they absented themselves from the King's yards, got them over so entirely to his interest, that government were under the necessity of abandoning their plan. Sir Hugh also mentioned the affair of John the Painter, and his setting fire to Portsmouth yard, and the city of Bristol. He further said, that a variety of difficulties had been thrown in the way of the present board of Admiralty.

Mr. *Thomas Townshend* insisted that the amendment was exceedingly necessary. It would force ministers to apply the additional 500,000*l.* to the service of the navy, and perhaps spare it from the more unconstitutional service of the army. He adverted with pointed irony to what had fallen from lord Mulgrave. To be sure, said he, if I were to venture to set up an opinion upon a maritime question, I should be corrected for my presumption: I should be told that I was as ignorant of every thing that respected the navy of England as lord Hawke. Lord Hawke's education, it seems, did not fit him for naval affairs, and his opinion was not to be held respectable. Indeed, he confessed the education of lord Hawke and of lord Sandwich were very different; and if lord Sandwich was a proper man to conduct the naval affairs of England, lord Hawke must have been the most unfit person upon earth, for no two characters were ever

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more opposite to each other. He ridiculed the idea of a new distinction of character, and said, he did not understand what was the meaning of the phrase, "a great naval minister," set up in opposition to the character of a great and experienced sea-officer. He laughed also at the mention of John the Painter, and all that had been said of a Mr. Lee or Mr. Lind, or Mr. Somebody, he could not tell who, that had been mentioned as the author of a combination fatal to the interests of this country; and said, if the facts were so, more shame for administration: there were laws in being, equal to the punishment of such offenders, and they ought to have been exerted. Would they dare to come forward, and give as an excuse for the wretched state of the British marine, that they were opposed in their measures, and all the naval operations of the country were stopped and defeated by a despicable Mr. Lee? With all the laws of England, with all the authority of government at their service, would they venture to say that they were unable to prevent or to overcome a little paltry combination, begun and supported by a single individual? It was a height of impudence to which he did not think that even the present Admiralty could have reached.

Lord *North* said, that if no men were to be employed but those who should be voted, he could have no objection to vote for the amendment: but the hon. member who had proposed it knew very well, that let the number voted be what it might, as many men would be employed as could be found. During the course of the last war, no more than 70,000 had been voted at one time, and yet the number employed during that war had been from 82 to 86,000; last year 90,000 had been voted, and 99,845 had been employed: so that, in fact, the number voted was never the number employed. The question was, therefore, a mere matter of finance, and it only went to this—whether parliament should grant 5,200,000*l.* or 5,720,000*l.* specifically for the maintenance of 110,000 men. This would certainly make a difference of 520,000*l.* in the ways and means for the year; and he did not see why the executive power should be tied down to expend that specific sum in the naval department, even though circumstances should occur, which might make it more proper to expend that sum in the military department: both services were undoubtedly useful, and sometimes one would be useless without the other. Before the committee acceded to this proposition, he begged leave to call to their consideration the stage of public business at which they stood, the general usage of parliament in that stage, the violent alteration of it now proposed, and the necessity, wisdom, and expediency of altering it so violently in the present crisis. The committee were now called on to grant the first supply, the supply of the navy, which had always, and very deservedly, been the favourite service of the nation. The fact was, the Admiralty did, the Admiralty ought, and the Admiralty would be criminal to a very high degree, if they did not get every seaman that was to be had. It was well known by that House, that the custom always was to move for less than would be employed. It was a wise practice, since it did not give any money to that particular department which would lie useless. Why, then, was it necessary to move for more now, and cut the navy to any precise scantling? and especially as the noble lord had himself moved for more than was requisite to man the present list of the navy. Some gentlemen might be afraid that great augmentations were to take place in the army, and that consequently the American war was to be pursued with redoubled vigour. The largeness of the supply called for this day, might lull their apprehensions on that head; for the motion without the amendment was still for 10,000 seamen more than were called for last year, and consequently the sum of 520,000*l.* would be employed in the naval department more than last year. The question therefore was, which side should be more liberal to the crown: one side was very liberal indeed, in voting 100,000; the other excessively and unnecessarily liberal, in voting 110,000; and yet, let whichever vote take place, the Admiralty would employ all the hands they could get.

Colonel *Barré* said, that with a diminished fleet, a fleet declared to be inferior to that of the enemy, and incapable of rising superior or even equal to it, the ministers refused the generous proffers of gentlemen to strengthen their hands, and enable them to increase the navy. It evidently shewed that they were still determined to pursue their plan of giving a preference to the army. If the motion had been merely to entrust so much more money to the hands of those who had shewed themselves such improvident

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stewards already, he should have opposed it; but the amendment having been proved to have a good and an important tendency, he certainly would vote for it.

Mr. *Byng* denied the doctrine that had been laid down by lord Mulgrave on a former day, that this country must be inferior to that of the House of Bourbon, whenever these powers applied all their resources to the equipment of a navy. He denied its having been inferior in the reigns of king William and queen Anne, and said, that history refuted the doctrine. The British fleet was superior to the enemy at the famous battle of La Hogue: it was upon various occasions at that time superior to the enemy; and it might be, as it ought to be, superior to them now. We ought to imitate the conduct of our enemies in the extraordinary exertions which they made to recruit their navy in 1704; and then, if we failed of having a superior fleet, we might sit down with the desponding doctrine of the Admiralty, that our efforts were in vain.

General *Smith* said, he must take credit to himself for having been the humble means of giving to his country half as many line-of-battle ships, as his Majesty's ministers intended to give in the course of the year. It was he who moved in the India House for building three ships for government. It was certainly a great boast for a private man to make; and the proceedings of the present day shewed how much the nation was indebted to the East India Company for their generous and munificent present.

Mr. *Penton* begged the hon. general to accept of his warm thanks for the share which he had had in bringing about the favour. Every citizen of this country was under obligation to him; but he said, that, had not the East India Company acted in a manner so extraordinarily generous, this country would have had the same number of new ships, as those builders in whose yards the three ships were built, would have been employed by the Admiralty.

General *Conway* said, if it was true that this kingdom was inferior, and must be inferior, to France, in her navy, it was all over with us indeed, and we must make peace at any rate; but he did not believe the fact. He doubted the correctness of the historical quotations relative to the inferiority of our marine to that of the House of Bourbon in the reigns of William and Anne; and said, if it were true, that we could not make a greater exertion, and that building seven ships in a year was the utmost possible extent of our efforts, for God's sake make peace directly, ask it on any terms, and conclude it before more blood and treasure was wasted! But he believed it was nothing but the mismanagement or the incapacity of ministers, that made our fleet inferior, and that, if it was in abler hands, it would yet rise to its wonted splendour.

Mr. *Webb* knew that it was only the negligence or incapacity of the ministers that we had to blame. There were many private yards capable of building line-of-battle ships, and which they might have employed through the whole of the present war. In the river there were four capital yards, each of them capable of building four ships of the line at one time: the yards of Mr. Wells, Mr. Barnard, Mr. Perry, and Mr. Randall. They had built for the Company; and three of them were now building the ships of the line presented to government. He had spoken to Mr. Wells (who was the particular friend of lord Sandwich) on the subject, and had asked him, why he did not build for government? Mr. Wells said, that, even in the present critical moment, government would not pay him: they did not, and would not, give him encouragement. He averred that they might have had 16 ships of the line constantly in these slips; and there were many more at the outports. At Ipswich they might have built ships; and there was no scarcity of men, if there were ships. The East Indiamen had gone round to Spithead well and fully manned, and they could have got many more. This he knew from his own knowledge; for he had been principally engaged in fitting them out. Many more able hands applied to him for employment than he wanted. Why, then, did the Admiralty say that our navy must be inferior, without profiting from the opportunities which they really enjoyed? It was an ill-timed parsimony, at such a crisis, to forego this opportunity, and the Admiralty ought to answer it to their country.

Lord *Mulgrave* observed, that the hon. gentleman had said Mr. Wells was a particular friend of the First Lord of the Admiralty: so far, then, he proved that the noble lord was disinterested, and had not yielded that to friendship or to private regard which would have been an improper bargain with a stranger. The fact

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was, as he understood it, Mr. Wells wanted to charge a greater price than other builders were satisfied with receiving. Had his demand been complied with, the price would have been universally raised on the public, and the difference of the expence would have been enormous. As the 12 Indiamen lately built were finished, the yards would want work; and he had no doubt, unless Mr. Wells was so rich as to give up all further thoughts of business, his stomach would come to, and he would again contract with government. His lordship said, he was glad to hear that seamen were plenty, and the Indiamen manned; for then he hoped they would not be brought round to Portsmouth by the lumpers, and their captains would not continue the practice of stealing the men from his Majesty's ships.—His lordship repeated his assertion, that the navy of Great Britain was now greater than ever; that we had more ships in commission than we had all last war, when we had the aid of America. He insisted upon it, that the historical facts stood as he had stated them in a former debate. At the siege of Barcelona, and the battle of Malaga, there was a Dutch squadron joined to ours. In the success at La Hogue, the Dutch were with us. In lord Torrington's affair off Beachy Head, the Dutch were also joined with us; but where we stood alone, the House of Bourbon were our superiors in point of number. In Bantry Bay, they were 28 ships, or thereabouts, to our 21; and he asserted again, and averred, that whenever the French bent all their endeavours, and employed their resources to the equipment of a navy, they must be superior to us.

Mr. *Gascoyne* said, that the yards in the river were chiefly occupied in building small ships; and they preferred them, because they paid better: he declared, that there was not a builder's yard on the banks of the Thames, willing to enter into a contract to build ships for government, that was not employed in that service. He stated, that the number of ships of the line now building were 32, the greatest part of which would be ready to launch on or before the middle of 1783, and all of them be complete for the service of 1784. But the reason why the builders in the Thames were averse from contracting with government was, that the river was so favourable for building merchant ships: when they built East or West Indiamen, they had regularly the benefit of dockage, of which they were entirely deprived when they built for government, because the King's ships were always docked, cleaned, and repaired, in the royal yards. What the Admiralty could do, they had done; but the business of making contracts belonged to the Navy-board.

Mr. *Pulteney* asked, was this a moment, when the very existence of the nation was at stake, to prevent the building of 16 ships every 18 months for the paltry saving of a few thousand pounds? He reprobated the idea of the Admiralty-board throwing the blame on the Navy-board, and so shifting it off their own shoulders. He said, there ought to be one general inspecting and supervising officer, to see that the duty of all the Boards was done. He blamed also the niggardliness of haggling with ship-builders for a few shillings a ton in each ship, when the great and important interests of the nation were at stake. If it was for the interest of the builders to prefer the merchant's bargain, why not make up to them the difference? It was natural for men to prefer the employer that paid them best.

Mr. *Wilberforce* lamented that he should have his feelings irritated by men in office endeavouring to impress despondency on that House. He declared all that the noble lord had said on the subject of the marine of Great Britain being in former reigns inferior to that of the House of Bourbon, went to harrow and tear up by the roots all those ideas of the glory of this country, which he had been taught to adopt in his infancy, and which made every Englishman's breast glow with the noblest ardour, whenever he heard of Great Britain being involved in a contest with France and Spain. He said, in addition to what had fallen from Mr. Webb, that a ship of the line, called the Temple, had been built some years since at the town he had the honour to represent, Kingston upon Hull; and ships might be procured from the same yard regularly, if encouragement was given.

Lord *Mulgrave* said, that there were two ships built at Hull, the Temple and the Ardent. The Temple, after having been at sea only three years, on a fine summer's day, in weather perfectly calm, went down and was lost. The Ardent, soon after she was fitted out, was obliged to be sent into dock, and cost nearly as much repairing, as she would have done to be rebuilt: an expence arising from the extreme rottenness of her timbers.

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These were reasons to induce the Admiralty to be cautious how they ventured to contract again with the same yard.

Admiral *Keppel* said, that the Temple was sent to the West Indies, and had her bottom almost eaten out by the worms; after which, she went down in the open sea, exactly as the noble lord had represented.

Mr. *Fox* could not suffer the amendment to go to a division without marking the extraordinary sort of defence of the Admiralty-board, which had been set up and persisted in by the noble lord. The noble lord had told the committee, in the language of exultation and of triumph, that the navy of England now was greater and more numerous than the navy of England last war. Good God! Was the navy of England of this day to fight the navy of England of that day? If it were, the argument would be a good one. The fact was, the navy of the House of Bourbon was greater than ever it had been known; the navy of England was to fight that navy, and the sole question was, was it greater and stronger than the navy of the House of Bourbon? That was the only comparative point of view in which the matter could be regarded, and from that sort of comparison only would the merit, or the criminality, of the present board of Admiralty result. He asked, to what a pitiful defence was the Admiralty that day reduced? Merely to the simple complaint, that Mr. Wells asked an inordinate price; that a single ship-builder's refusing to work upon such terms as the Admiralty wished to tie him down to, had stopped the exertions of Great Britain, as a naval power, and rendered her incapable of resisting the efforts of her great and her powerful enemies! He laughed at lord Mulgrave, for saying, as an unanswerable reply to Mr. Wilberforce, that the Temple went down on a summer's day, and bid him remember, that the Marlborough, a man of war built in one of the King's yards, went down at the same time. He said, he had long determined to take such measures as should bring the First Lord of the Admiralty to his merited punishment; that he was convinced of his guilt, and waited only for a fit opportunity of bringing it forward; and most assuredly, when that opportunity offered, he would not fail to seize it.

The Committee divided on the amendment; Yeas 73, Noes 143. The main question was then put and agreed to.

Debate in the Commons on Sir James Lowther's Motion for putting an end to the American War.] Dec. 12. The House was going into a Committee of Supply, when

Sir *James Lowther* rose to make a previous motion; before the House went into a committee to vote the army supplies, it became them, he said, to enquire, whether they were to persevere in this war, and feed it with more British treasure, and British blood? It had been obstinately, fatally pursued. The country was drained, exhausted, dejected. Their hearts were against it. They considered it as a struggle against nature, in which every thing was to be hazarded, and nothing to be got. The Speech from the throne had given them a most serious alarm; it shewed them that ministers were determined to persevere in spite of calamity; that they were bigotted to the prosecution of the contest, and that more blood and more money was to be lavished. They saw them going on in opposition to all the experience that they had had; that the surrender of an army only gave them spirit to risk and lose a second; and the surrender of a second instigated them but to venture a third. There was no end of loss, nor of madness. Our fleets were every where inferior; two of our armies had been captured, and a stain had been fixed upon our arms, and upon the honour and faith of the nation, by a most cruel article in the capitulation of lord Cornwallis. They went on from year to year against the voice of the people of England, because they were fatally supported by a set of men whom they paid for the purpose in that House. The general voice of the people of England was against them, and still they persevered. In such a moment, therefore, to remain longer submissive, would be disgraceful in that House, as well as criminal; they would cease to be the representatives of the people, and become the representatives of the minister. They must, if they designed to do their duty, and to discharge their trust to their constituents, come to a specific declaration on the point, and put an end to the war by a peremptory resolution. It was for this reason that he recommended to the House, to declare, "That it is the opinion of this House, that the war carried on in the colonies and plantations of North America has proved ineffectual either to the protection of his Majesty's loyal subjects in the said

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colonies, or for defeating the dangerous designs of our enemies." And this declaration, he said, would lead to a second proposition, which he also proposed to make, and which was, "That it is the opinion of this House, that under the present circumstances of the country, all further attempts to reduce the revolted colonies to obedience are contrary to the true interests of this kingdom, as tending to weaken its efforts against its ancient and powerful enemies." He concluded with moving the first proposition.

Mr. *Powys* seconded the motion with the most heartfelt satisfaction, for so convinced had he been of the propriety and even necessity of such a resolution, that like his hon. friend, from whom on account of his great weight in the county it came with so much more grace, he had determined, unconnected as he was, to have made it himself; for he most sincerely believed, that it was the only means left to us, in our present situation, by which we could extricate ourselves from our difficulties, and retrieve our rank in Europe. We had persevered in this war against the voice of reason and wisdom, against experience that ought to teach, against calamity that ought to make us feel. It was the idol of his Majesty's ministers, to which they had sacrificed the interests of the empire, and almost half the territories: they bowed before it, they made the nation bow; they said that the resources of the empire were not exhausted; they said so, because they themselves found no diminution of income. Their annual incomes arose out of the public purse, and instead of diminishing, they increased with the misfortunes and the impoverishment of the country. The illusion which had filled the minds of some gentlemen with the hope of seeing America reduced to her former obedience to this country was now no more; and though at first it might have betrayed honest men into a determination to support the measures of ministers, which had that reduction in view, he could not conceive how it came to pass, that now, when the illusion was at an end, when repeated disasters and calamities had proved that the reduction of America, by force, was impracticable, there could be found a set of honest, independent gentlemen, who could persevere in supporting those measures, by which the empire had been dismembered and destroyed. That ministers should persevere in the mad plan of pursuing the phantom of conquest in America was not at all surprising to him; on the contrary, it was extremely natural; because to the war they owed their situations and their emoluments, and by a peace they must lose them: but this was not the case of independent gentlemen who supported them; and he was ready to confess, that among the friends of administration in that House, he could reckon some gentlemen of independent fortunes; from what motives, or on what principles, such men continued to support the present administration, he was really at a loss to guess. Could it be from experience of their abilities? alas! the whole history of the American war was one continued proof that system and abilities were not to be found in the management of our force in the colonies: an army was marched from Canada, and captured at Saratoga: another from Charles-town, and surrendered at York-town. Was it in the strength and number of our allies that they hoped for success from those measures to which they gave their support? Melancholy reflection! We were left to contend alone with our enemies; abandoned by all the world, we could not find a friend from pole to pole.—There were in this country, at this time, all the signs and tokens of a falling state. The descriptions given of the marks and signs of the decay and fall of a great empire, written by one of the ablest historians of the present age, was so applicable to these times, and to this country, that, if the House would give him leave, he would quote the passage. It described the signs to be, that the government of Rome at this period, the period of its decay, under Valentinian 3, "ceased to be formidable abroad, and became odious and oppressive at home: that taxes increased with the poverty of the state; and that the emperors wasted the resources of the empire, in carrying on wars against rebels that they themselves had made: that the distant parts of the empire were either oppressed by their governors into insurrection and revolt, or left defenceless, a prey to invading enemies: that the senators were corrupted to abuse their trust: that discipline was relaxed, measures were weak, changeable, and inconsistent; that ministers were suffered to act without having the confidence of the empire, and that œconomy was neglected in proportion as it became necessary." These were the signs given by the historian of the Decline and Fall of

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the Roman Empire. That historian (Mr. Gibbon), whose enrolment in the administration was the only accession of which his Majesty's ministers had to boast, had given this description; and, in another place, speaking of the emperor Honorius, he says, that "it was the fashion of the court, at that time, to resist the voice and the intreaties of the people; and Honorius himself was deluded by his officers of state into an impolitic declaration, that he was for implacable, eternal war." The historian says, than then no misfortunes nor calamities could warn them to desist, but that they persevered, and were ruined. This description was so strong, so expressive, so applicable, that though it was said to belong to Rome, he could not help thinking that it alluded to a nearer country, and a nearer period. He called upon gentlemen to recollect that the war in which we were engaged in America, was not like a war between two rival, or two neighbouring states, about a barrier or a boundary; a contest which, however it ended, could not detract much from the importance or weight of either. It was a war in which every conclusion was against us; in which we had suffered every thing, without gaining any thing. We weakened no enemy by our efforts: We exhausted no rival by distressing ourselves; every point of the war was against us.—He made some very ingenious remarks on the conduct of ministers, with respect to the American war. "It was not," said they, "a war of ambition, of avarice, of rancour. We never designed nor wished to reduce America by force." This was their language; and to maintain this they must say, that the various expeditions which have been undertaken were only expeditions of friendship. The attacks of our arms were only a sort of conciliatory propositions. General Burgoyne was only a commissioner of peace. They had no hostile intentions, or at least his Majesty's ministers furnished them with no hostile powers against our fellow-subjects in America. He took notice of this, and he took notice of it in this way, because really the whole of the American war had been a war of delusion, from the beginning to the end. Every promise had been broken, every assertion had been falsified, every object had been completely given up. Ministers had said one thing one day, they had come down, and with grave faces said the direct contrary the next. It was now a war of this sort, then a war of that sort; now a war of revenue, then a war of supremacy; now a war of coercion, then a war of friendship; that the people of this country, that House, and particularly the country gentlemen, had been deluded, confounded, abused, and cheated. They had found at last that evasion but led to evasion, and trick to trick. His Majesty's ministers had called it principle to persevere. Firmness our repeated losses have now more properly converted into obstinacy; and the attachment to what are called the ancient principles of a party, would, continued any longer, be an evidence of phrenzy. Men, worthy men, doubtless there were, who on principle had been induced to vote with administration; but could their eyes, in this alarming moment, be shut to the fallacy of their opinions! This was not a time for men to group together, or indulge in the narrow-minded distinction of party, when every honest heart and hand in the kingdom should level the pitiful boundaries of separation, and unite in one powerful body, to avert the wreck with which this unhappy country was so imminently threatened. His Majesty's ministers had said to the Americans, we will restore your old governments, if you will return to your allegiance. How had they shewn their disposition to do this, when a temporary prospect of opportunity occurred? This fine tempting promise turned out to be no more than this,—that they were willing to restore their ancient governors. They embarked lord Dunmore, and dispatched him to his ancient government of Virginia, as a likely ministerial means of conciliating the affections of the people of that province. He, whose former mild conduct, and easy, amicable ministry, had made them so contented and so happy; but the termination put to our proceedings in Virginia had disappointed this well-laid scheme, and a certain clerk, secretary, and colonel Thompson was now sent to reconcile his countrymen to Great Britain. He called upon gentlemen to say, if there was still any hopes, after the disaster in Virginia; if there was still any disposition in their minds to go on? What ray of hope was not blasted! what prospect had not failed! what object was not abandoned! The country gentlemen, who had been deceived in the beginning, could be deluded no more. There was no idea of drawing a revenue from that country; there was no idea of alleviating the burthens of Britain, by carrying it on; there

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was no other idea, and there could be no other reason, than to preserve the power, the consequence, and the emoluments, which flowed from it.—It was time, therefore, for parliament to interfere, and to prevent that total ruin, which the measures of administration could not fail to bring on, if they should remain unchecked: the motion that had been just made might prevent that ruin; it did not refuse a supply; it did not clog the wheels of government, nor did it criminate any man, or set of men; it had no retrospective tendency; it only asserted a fact, which nobody could dispute; of the truth of which the whole world was perfectly well acquainted: it did not encroach upon the prerogatives of the executive power; it did not take away from the crown the right to distribute the forces of the state in whatever manner it should think for the benefit of the people; it went no farther than to say, that among the operations of the war, America should not be the theatre. Surely ministers would not be so weak and ridiculous to set up that old, stale objection, which was used on all occasions, when attempts were made for the good of the public: and that was, that the enemy would, if the motion should be carried, be let into the secrets of the cabinet, and be made acquainted with the future plans of our operations. But this was an idle objection; it could be meant only to deceive that House, for surely no man in his senses could suppose, that telling the enemy that America shall be no longer the theatre of war, can possibly discover to them where we mean to act with vigour and effect: on the contrary, it would produce this effect, that the enemy, not knowing against what part of their dominions we should direct our attacks, would be alarmed for their safety, and held in a dreadful suspence; but it was farcical to say, that because the war in America should cease, the enemy must necessarily know what would be the particular object of attack. Would gentlemen say that the dominions of both branches of the House of Bourbon were such a speck upon the globe, that the moment we sheathed the sword in America, the French and Spaniards must necessarily know against what spot of their territories we might afterwards mean to draw it? Surely not; for they were vulnerable in a thousand places; and therefore the probable consequence of a cessation of hostilities in America, would be a general consternation and alarm amongst our European enemies, accompanied with continual apprehensions for the safety of their wide-extended dominions. Seeing, therefore, that there were many powerful reasons for the House to adopt the present resolution, and not being able to foresee one forcible objection to it, he thought he could not better discharge his duty to his country than by giving it his most hearty support. He liked the wording of it, upon account of its being at once explicit and concise; neither giving any handle to misconception, nor leaving any thing unsaid which it was necessary to say in the present awful and critical moment.

Lord *North* rose, at that early period, because on so important a question, it would naturally be expected that some person in office should give his opinion. The motions of the hon. baronet were fair, moderate, free from passion, not founded on personal resentment, and therefore, as far as the style of them was in question, perfectly unexceptionable. How far they were just, how far they were necessary, and how far it was either prudent or politic for the House to accede to them at that moment, were very different considerations.—His lordship said, he had no objection to speak out, and give as much satisfaction to the House as it would be prudent for them to expect, or for him to give. The motions, he said, concluded the American war in every shape and form; they prescribed to the executive branch of the legislature the manner of continuing the war; and consequently pointed out to the enemies of this country what were to be the measures, what the system, and what the mode and operations of the war. To so much, he averred, did the second motion extend; for it declared, that all attempts to reduce America to obedience by force, would be destructive, &c. Why, then, notwithstanding what the hon. gentlemen has said of its being ridiculous and contemptible to set up such an excuse, I must, said the noble lord, insist and contend, that the enemy is informed by this means of our future plan, for all our operations are declared to be directed against them solely. They are prepared by our declaration. Our government is more favourable to our enemy in point of affording them information, than if it were more arbitrary; but we enlarge the opportunities, we give them additional advantages, when we proclaim in parliament

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how we mean to conduct ourselves in our ensuing campaign.—He should object undoubtedly to the motions, but in giving a negative to them, he felt himself bound in some degree, and especially, after what passed lately on another occasion, to speak more out upon the future mode of prosecuting the war than it was either wise or politic for a man in a high and responsible office to do, at any time, unless the urgent necessity of the case rendered it impossible for him to make any other election of conduct. He was willing to declare his sincere and honest opinion, that it would not be wise nor right to go on with the American war as we had done, that was to say, to send armies to traverse from the south to the north of the provinces in their interior parts, as had been done in a late case, and which had failed of producing the intended and the desired effect. He was ready to say so much. It was a declaration attended with some inconvenience, nor would he have made it, even then, had not the estimates of the army, already upon the table, declared as much in the most clear and express manner, to every gentleman, who would have given himself the trouble to examine them. By those estimates gentlemen would find, that the army which the Secretary at War meant to ask for, was the same as that asked for last year, with some little variation for the East-Indies; whereas had it been the intention of government to prosecute the war continentally, according to the mode of carrying it on hitherto, they must have applied for a much larger army. Having said this, he must add that he would not agree to the motions, for they put an end to the American war in every shape, and crippled the hands of government even in other respects; for, by the clear and expressive words of the motion, they could not carry on even a war with the other powers in that part. It would be impossible to say, what would and what would not be called the American war; or rather, what would not be called a war, to reduce the Americans to obedience. The hon. gentleman who seconded the motion had said, that he did not wish to take from the executive power its constitutional right to distribute the force of the empire; and he had said very properly: but was he clear, that the hands of the executive power would not be tied up by the second resolution, from availing itself of even the most favourable conjuncture, to strike a blow in America, if such a conjuncture should offer? For by this resolution the war was completely to die away in that country; and not to be revived again, in any shape, or on any pretence whatever.

His lordship went into an examination of the motion, were it carried, either with regard to peace or war. In the first place he observed, that the wording of it was so general and loose, that he trusted the House would never agree to it. The words of the second motion, were to resolve against "all further attempts to reduce the American provinces to obedience by force." All efforts! said his lordship; is the government of the country then to have its hands tied up by sea and land? They must not retain any posts in the colonies certainly, for that would evidently be said to tend to reduce the Americans to obedience by force; and did not gentlemen perceive the necessity there might be for retaining certain posts in America, for the convenience even of carrying on the war against France and Spain? Must we not have ports and harbours there, to give us an opportunity of acting on the seas? And would gentlemen tie up the hands of government from occupying those posts in America? Surely not. Did gentlemen foresee the consequence? Were we to give up all our posts in America, and totally withdraw our troops? Or were we to preserve some posts? He knew there were different opinions on that head: let gentlemen speak out: would they have all the troops withdrawn, and the posts given up? He was satisfied that few indeed would advise such a measure: then if posts were to be maintained, they must be defended if attacked, and this might surely be called war in America; was such a war to be renounced? Surely not, as long as we were determined to preserve our posts, and these posts ought to be preserved for several reasons: we had friends and subjects within our lines, who contributed to consume our manufactures, and we had trade which would be injured by the loss of our posts: might not Rhode Island be taken as a post in the ensuing summer, if found more convenient, more tenable, and more useful than New-York? Again, were gentlemen's minds made up as to Charles-town and Halifax? All these were, in his opinion, important considerations, and required very serious discussion, but which would be wholly shut out from future consideration if the present motion was agreed to. If we keep these posts, we must garrison them, and as long as they are garrisoned,

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we must be liable to attacks, and consequently be under a necessity of waging a defensive war, as often as we should be attacked, for it would be madness indeed to tie up the swords of our forces, and prevent them from acting even on the defensive; this would be an unpardonable piece of absurdity in us, but still it would be an absurdity that the resolution would warrant. But this was not all: it absolutely prohibited government from acting even against the armed ships and the privateers of America; for to so much it went, if he must take the terms of the motion for his guide: "all attempts to reduce America to obedience by force," included every species of operation that could be contrived: were gentlemen prepared to go this length? Were they ready to order the British ships to suffer themselves to be insulted, beaten, taken by the American cruisers without striking a blow? Was it thus that gentlemen wished to preserve the honour of the British flag? Would America consent to this new scheme? Would they remain inactive when we became so? Without knowing what America would do, we must withdraw our armies, withdraw our ships, give up to them all their ports, open to them all the seas, suffer them to give what encouragement or what assistance they pleased to the enemies of this country, while we are tied up by a resolution of parliament, from acting in opposition to them in any way. And what effect would the resolution produce with respect either to peace or our future operations? Would any gentleman take upon him to say, that the most effectual way to render an enemy tractable, and make him reasonable with respect to terms of peace, would be to declare, that we would not fight him any more? In his opinion, the arrogance of the Americans would rise in proportion as we should sink into despair; and that therefore it would be the worst measure in the world towards obtaining an honourable peace, to say that we will totally renounce the war.

The consequences of the resolution would not be less prejudicial to our interests, with respect to war; for to keep our troops in America, without suffering them to act, would be supporting them only for the purpose of parade, or swallowing up the treasure of the nation, while they could be of no possible advantage to us, their swords being all tied up. And would not even the Americans be ready to meet us in the West Indies, and to turn all their force to that quarter of the world? Did gentlemen wish to see the common enemy act in that manner? If they did not, they could not be friends to the second resolution. If they wished only for a promise, or information that no offensive war should be carried on in America, as it had in the last and former campaigns, he had already given all the satisfaction on that head, which it would be prudent in them to ask, or in him to give: it certainly was not in the intention of ministers to pursue the war in future in America as it had been last campaign, by marching armies through the colonies; this he thought might satisfy gentlemen; but more he ought not to say, nor the House to hear.

It was therefore his opinion, that to adopt the motions would be the height of impolicy and absurdity. If it was not the meaning of the hon. baronet, and of the gentlemen on the other side of the House, to put an end to the American war *in toto*, and by doing so to prevent us from keeping posts, from fighting American privateers, and even from acting on the defensive; if they did not mean all that he had said, he could only observe that so much would their motion bear to be drawn from it; and he was sure that if he had brought in such a motion, and had given it a less extensive explanation, it would have been called shuffling, twisting, turning, and evading, in order to delude the House. The hon. gentleman had said that his Majesty's ministers were actuated by ambition, and by avarice; and while their incomes accrued from the public purse, they did not think that the resources of the country were exhausted. He did not wish to make people entertain a favourable opinion of him, in particular, and of his disinterestedness and purity. He could only say, with respect to his income, that he would freely give it all, both what came from the public purse, and what was his private purse, to see a speedy, honourable, and advantageous conclusion put to this war. It was said to be a war abhorred by the country, and disagreable to all. He could assure the hon. gentleman, that there was no man lamented the war more than himself; for of all the persons in this country to whom the war was disagreeable and inconvenient, he was convinced that it was the most disagreeable and inconvenient to himself. The hon. gentleman had allowed, that there were some honourable and independent members, country

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gentlemen, who had supported his Majesty's ministers in this war; it was very true, they had been supported by country gentlemen, independent in their fortunes, in their rank, in their character, who thought that his Majesty's ministers were actuated by a laudable, virtuous desire of preserving the just authority of parliament, and who therefore gave them their support. They saw and believed that it was a truly British war, carried on upon British principles, and for the true and ultimate interests of Britain. He assured the House, that without such support he would have never gone on with the war.—In regard to the motions, they were unfit to be complied with; the estimates for the army were on the table; the order of the day was for going into a committee upon them, and then gentlemen would have an opportunity of seeing that no substitution was demanded to replace the army lost in Virginia, and that as no farther supply of men was asked for it, could not possibly be the intention of government to proceed in the war with America on the same scale as hitherto. For these reasons, he must move "That the order of the day be now read."

Sir *Fletcher Norton* spoke in answer to the noble lord. He said the motions were made because they could not trust his Majesty's ministers. The noble lord said they were not to traverse, as they had done, from the south to the north; and that they had not asked for a force to carry on such a war: but what security had the parliament or the nation for any assertion of this sort? Had not these ministers, these very identical ministers, pursued this traversing scheme from year to year, against the voice and against the wish of the people? Had not the scheme of 1781 been the scheme of 1780? Had not the scheme of 1780 been the scheme of 1779? Had not the surrender of the army at Saratoga only led to the surrender of the army at York-town? Had they not persevered, in spite of experience, in opposition to all that wisdom could teach? Had they not gone against hope, against reason, against probability? And they now asked the representatives of the people to trust them further! The noble lord had declared, that he did not mean to carry on the war in future, by marching armies through the colonies of America, as had been unfortunately the system for some time past. But what security had they for the declaration being made good? One of the King's servants had thrown out such an idea in the course of his speech; but who knew what opinion was entertained by the rest of the cabinet? Was want of unanimity among the ministers, among the King's servants, so uncommon a circumstance? Besides, what sort of language was held in the speech of the minister at the opening of the session? A language diametrically opposite. The Speech called upon the House to pursue the American war, and the Address pledged the House to comply with the desire of the Speech. How, then, were they to reconcile so contrary a conduct? The noble lord seemed to suppose the motions unnecessary after his declaration. The fact was, as he had said, they would not trust ministers, and therefore the motion was brought forward that they might have a specific declaration of the House, that this mad and impolitic war should be no longer proceeded in; and it was his firm sentiment, that until this was done not a single shilling should be voted as a supply to his Majesty. The noble lord had argued that the second proposition was so extensive as to put an end, not only to all offensive operations against the Americans, but asked if it did not put an end to all defensive measures, and even tended to prevent our ships from fighting the American cruisers, should they attack us. The noble lord knew that his question was ridiculous; he knew that the motions had no reference whatever to any naval operations: all that the hon. gentleman wanted was for the House to declare, that they would no longer pursue the object of the war. They prescribed no particular mode; they went simply to this fact: involved as you are, in a war with France, Spain, and Holland, do not waste your strength and resources in a mad attempt upon America. Had the motions any such view as the noble lord supposed, they would then indeed have an unconstitutional tendency, and would assume a direction of business which was the proper province of the executive branch of government. The mode of carrying on the war was a matter solely for the King's cabinet to determine. He and other gentlemen might possibly have their opinion on the subject, but certainly it was not for them to suggest advice upon it to administration; the constitution had placed the responsibility for the measures of government on their shoulders, and there it ought to rest. The noble lord had contended against the motions, that they would convey information to the enemy

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where we should aim the next blow at their possessions; so that the noble lord had laboured to prove to the House, that a negative vote would have an affirmative effect. Was this the noble lord's logic? If it was, perhaps the noble lord was the only man to be found who would support such an argument. Would any man say, that a resolution to abandon a war in one part of the globe, was a declaration in what other part of the world it was meant to be carried on? Certainly no man in his senses would maintain so absurd a position. If the enemies' possessions were circumscribed; if the scope of our operations were small, there would be some reason for saying that a declaration of a purpose to go to war with the enemy, was to point out where the field of action was to be; but here, where we were engaged with so many enemies, to argue, that by declaring we should not fight with America was to give notice where we should attack France, and where Spain, and where Holland, was puerile to the last degree.—He said, that from the bad tendency of the American war, from the continual decrease of our trade and commerce, ever since it was commenced, from the fruitless expenditure of so many millions, from the loss of so much blood, from the diminished and degraded state of the empire, he had not a doubt left on his mind, and he was convinced every man, who would seriously lay his hand on his heart, and ask himself that question, would coincide with him in opinion, that the constitutional interference of that House was absolutely necessary.

Mr. *Welbore Ellis* thought that the House, in adopting the resolution, would be guilty of a political suicide. The right hon. member, who had gone before him, was not certainly grounded, in saying that coming to one negative did not develope all the affirmative parts of our plans: in his opinion, the right hon. gentleman was mistaken; for if we should say, in the face of the world, we will no longer continue the war in America, this negative would be tantamount to this affirmation—we will turn all our force against the islands of our enemies in the West Indies, and then let our enemies in France and Spain take notice that we intend to meet them there, where, from this timely notice, we hope they will be prepared to receive us. As to the withdrawing the troops from America, it was a measure to which he could not consent. It had always been a favourite maxim of policy with this country, to keep the war at a distance from home: this maxim could be pursued in the present war, but by keeping the troops in America; whereby the Americans would be kept at bay, and prevented from enlarging their views. If the troops should be kept in America, it would be folly in the extreme to tie up their hands by such a resolution as the present; for circumstances might occur in which we ought to make flying expeditions, and have a fleet arriving upon that coast: the resolution, therefore, could answer no other purpose than that of preventing us from availing ourselves of circumstances to annoy the enemy, when we could do it with most advantage to ourselves. It was absolutely necessary that we should have posts in America, and harbours, even for the prosecution of the French and Spanish war: squadrons and ships could not occupy the seas without having ports to repair in. Were gentlemen inclined to deprive us of that advantage? He could not persuade himself that the gentlemen who supported the motions had maturely considered the consequences that would attend the carrying of them into a resolution of the House. The first evil would be the fall of our West India islands into the hands of the enemy; for if the hands of the executive power were in a manner bound up by a resolution of that House from acts of hostility against America, without any condition or previous negociation with them for a certain pacification, what could possibly prevent them from seizing on our possessions in the neighbourhood of the continent? Nothing. On the contrary, mistaken gratitude to their allies, and a confidence in their delusions, from so weak a step as this now recommended, would doubtless urge them to direct their utmost force, when left unrestrained, to do us all the mischief they could in every part of our dependencies; and we should have the mortification to see the French and Americans joined in the West Indies, or perhaps joined in the Channel.

Mr. *John Townshend* reprobated, in most severe terms, the total misconduct, ignorance, and mad obstinacy of his Majesty's ministers; and exhorted the House by every consideration of duty and attachment to this country, to agree to the motions as the only practicable means of putting an end to the accursed war with our colonies. Notwithstanding the utter impracticability of that ruinous war, yet

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The Douglas and the Hotspur, both together,
Were confident against the world in arms.

The noble lord in the blue ribbon, and the noble secretary for the American department, were determined to persevere, in spite of opposition. They were obstinately leagued together, bent on the pursuit of this mad war against their country, and against every thing that ought to be dear to men. The noble lords in administration had the presumption to ask further confidence and further supplies from that House, and to expect that a justly exasperated nation would still remain patient under their misfortunes, and submit to further insults and injuries. He ascribed the disgraces that had attended his Majesty's arms to the weakness and wickedness of administration, who had plunged this nation into an unnecessary war, which they had conducted in so wretched a manner, that it proved, beyond all argument, their utter incapacity to govern this or any other country, under any circumstances, much less to be entrusted in a moment of so much critical hazard as the present; and he was ready to declare it as his firm and honest opinion, that they had begun this war and persevered in it from base and unwarrantable motives; from the lust of wealth and power, to which they sacrificed the interests of their country. He mentioned the petitions and remonstrances of the people, and asked if it was consistent with the duty of that House to act in direct contradiction to the known wishes of their constituents? He returned his thanks to the hon. mover and seconder of the motion; and as it appeared to him likely to meet the desires of the people, and answer a good purpose, by giving our natural enemies to know, that the British House of Commons had expressly abandoned the mad and Quixote idea of subduing America to obedience by force, he would certainly give it his hearty support.

Mr. *James Grenville* supported the motion, and quoted some words which the late lord Chatham had let fall in the House of Peers upon the unfortunate affair at Saratoga, when he called upon parliament to relinquish this mad war: "What!" said that great man, "has some dreadful inundation, has some tremendous earthquake swallowed half the empire, that the nation should stand thus deprived of sense and motion!" But what would have been the feelings, what would have been the expressions of that eloquent patriot, had he lived to see a second Saratoga business, still more destructive and terrible in its consequences than that which was then before his eyes! His sympathetic bosom, which beat ever in unison with the pulse of the commonwealth, would have been too full for utterance on so calamitous an occasion. It would, by its smothered griefs, have bade you pursue the measure, which was now so wisely, and after so much melancholy experience, offered to the consideration of the House. In this persuasion, said he, I offer my slender support to these motions, by the success of which, at this crisis, we can alone hope for safety.

Sir *Edward Deering* expressed his confidence in the present ministers. He declared, when he came down to the House, he was entirely undetermined which way he should vote. The House, and the noble lord in the blue ribbon, knew that he had both spoken and voted against him, when he thought him wrong in his measures; and he would have done so that day, had not the noble lord made the declaration which the House had so lately heard. He considered himself to be an independent man. He was a country gentleman; and he believed that he was as incapable as any man of giving support to measures of which he disapproved. He thought what the noble lord had said was perfectly satisfactory. He had all along supported the noble lord in the prosecution of the American war, because he considered the commencement of the war to have been just and necessary; and because he had hoped that it was possible to have brought it to a happy conclusion. But as people in general were tired of the expence, and the burthens that expence occasioned, he thought the noble lord had acted wisely in declaring that he meant to change the mode of carrying it on. That the noble lord had spoken out, and had no reserve, was evident from the army estimates. Gentlemen on the other side often made very free with ministers, and censured their conduct without the smallest allowance; but he observed those gentlemen neither came forward with any new plan of administration, nor proposed any new system of measures. He would not impute the American war to the present ministers; he stated it from the repeal of the Stamp Act, and he remembered that at that very period he heard many wiser people than himself say, that the repeal of the Stamp Act would be productive of numberless evils to this country; and to

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shew the House that he was what he had said, an independent country gentleman, he would mention a fact: he was offered by the then minister something handsome for a friend; he declined accepting it, saying, that he did not like to receive a favour from a man, to whom for that favour he should be bound in gratitude, and whom perhaps the next day he should find himself bound by his duty to censure as a minister. The noble lord had blamed himself for speaking too openly: in his opinion he had not said too much; for the people now seemed tired of the American war, and therefore the noble lord had done well to tell them, that he did not mean to prosecute it as he had done in the last campaign. Gentlemen thought, and it was said out of doors, that the government was a Tory administration; but he knew to the contrary; the present ministers were as virtuous, of as independent fortunes, and as good Whigs as any in the nation, and therefore should meet with his support.

Viscount *Maitland* said, that, in considering the present question, he should endeavour to forget the numberless disasters which had befallen us during the course of this unfortunate administration, and confine himself merely to views of the present moment. He then took a minute survey of the posture of our affairs at this crisis, and placed, by a fine prosopopœia, Great Britain at the feet of the House, deploring her sufferings, and supplicating their protection from farther insults and distresses. The noble lord spoke with great feeling on the calamities of the empire. He said, that those men who had brought us to the state in which we were, came into life at a time when the arms of their country were carried to an unprecedented height of splendor and glory; when the empire was under the benefit of wise counsels and of a vigorous system; great and respectable abroad; opulent and happy at home: when her trade covered every sea and filled every port in the world, and when her navy claimed and enjoyed the proud and enviable dominion of the seas. They came into life with gay prospects and with pleasing hopes; but how different was his fate, and the fate of those who with him entered into life in the present moment. They came into life at a time when their country was perhaps upon the eve of dissolution; when it certainly was fallen from the high condition in which it stood but a few years before; and when every prospect of grandeur was vanished; when every incitement to great and laudable ambition was extinguished, and they had not even the consolation to believe that the efforts of their youth could snatch their country from its impending ruin. These men who had come forward in happier times, and who had flourished in the sunshine of our fortune, would undoubtedly have their regret in observing, that their country, like themselves, was in its decay and approaching to its dissolution. They would have their feeling; but what must be the affliction, what the indignation of those young men just entering into life with the warm hopes of enjoying the splendour and the happiness attendant on him who could boast himself the member of the greatest and the freest empire on the earth, deprived in his very outset of this enjoyment, of his birth-right, of his privileges, of all that education had taught him to reverence and to love! He was not much astonished at seeing his Majesty's ministers supported in the very worst and maddest of their schemes by old men, for age contracted its selfishness, and surveying its approaching end, might be little anxious about the decline of the fair fabric which they must in the brevity of human possession very shortly relinquish; but he was astonished and confounded at seeing his Majesty's ministers supported by any man blest with the generous passions, and warmed with the rich ambition of youth; he wondered how a young man could be found so indifferent, or so corrupt as to think of the present ministers without abhorrence and indignation. To these ministers they must ascribe the decay and the fall of the empire; to them they must attribute the loss of their inheritance; they had taken from them the field of honourable ambition, and had, with the reduction of the empire, annihilated all their prospects.—The noble lord reprehended in warm language the system of measures, and approved of the proposed motions, as they tended to bring about an immediate and thorough change. The ministers, he said, falsely and wickedly declared the American war to have been popular in its origin. Was it popular? Did the great body of the people approve of the unconstitutional principle leading to a destructive end? He believed not. But if it were so, it was rendered popular by delusion. They cheated the nation by a thousand misrepresentations, by a thousand false stories and false pro-

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mises; and a part of the people were deceived, and did acquiesce in the iniquitous system. But if they began it, because it was popular, they ought now to conclude it, because it had ceased to be so. Whatever doubt there might be of the original popularity, there could be none of the present abhorrence. Abandon the war then, ye ministers who make the assertion. It is now universally unpopular. From one end of the kingdom to the other, people are impoverished and clamorous. To that war and to your measures they ascribe all their calamities. The noble lord said there was a maxim in the British constitution, contrived for the wisest purpose, "that the King could do no wrong." This made the ministers responsible for every measure of government, as they in fact and in justice ought to be; but the present administration had reversed this wise maxim. They had endeavoured to change responsibility from where it should lie to where it should not. They had converted acquiescence into counsel, and said the people were responsible for all the consequences of the American war, because they approved of it in its origin. Hear this, ye deluded people of Great Britain! Because you did not rise in the outset of this mad career, and pull those men from the seats which they have filled to your misfortune, they ascribe to you the calamities that they have brought upon the country! The noble lord treated this idea with great energy, and concluded with a warm appeal to the House, to do that at last which they ought to have done at first, to hold a bold, constitutional language to those ministers, and tell them, Thus far you have gone with our tame acquiescence, but do not dare to provoke us farther: if you reject our advice, you may feel our vengeance.

Mr. *Calvert* said, that treaties to be binding, ought to be mutual: in all treatries of peace, there were two or more contracting parties, and if one party in the war was not as willing to make peace as the other, it was next to an impossibility for a safe peace to take place. The present motion struck him as a declaration, on the part of Great Britain, that she would lay down her arms against the Americans, which would at once not only prove her incapacity to reduce her rebellious colonists to obedience, but be an act of political despair, that could not fail to increase the ardour of her natural foes, and lend a spirit to their hostile enterprizes against her, which must be extremely prejudicial to the interests of this country. If America had expressed a pacific disposition, the measure now proposed would be less unjustifiable; but as that was not the case, he could not but conceive, that the House, by agreeing to the resolution, would cement the union between France and America more strongly.

General *Burgoyne* said, that he hoped he should not be accused of pedantry, if he should make use of an allusion to a practice very common in war, and compare it to the conduct and reasoning of the minister: the practice was to set fire to a great quantity of wet and damaged stores, in order to blind the enemy with the smoke, and make them think that some great works were carrying on behind the fire; but when the smoke was blown away, it often appeared that nothing of consequence had been done, and that it had been merely a manœuvre to cover a change of place or to gain time; so with ministers, they made a great smoke in argument, but it meant just nothing. As a soldier, he wished to consider the question in a military point of view; and he would submit it to any soldier in the House, whether posts could be kept up in America without an offensive war? A place d'armes could be of use only to serve as an inlet into the country: was it in this point of view that New-York was to be seen? It was: then of course it must be pronounced a nursery for an offensive war. A place d'armes might also be established for the purpose of securing the navigation of some strait, such as Calais of old might have been, when in the same hands with Dover, to prevent the communication of other nations between the British channel and the German ocean: but were we going to establish such a species of place d'armes at 3,000 miles distance from England, while the most famous place of arms of the like nature was on the point of being wrested from us? perhaps when we should have established a place d'armes at New-York, we might have reason to say *fuit Ilium!* Gibraltar is no more! That important fortress was left to the mercy of the enemy, while we were pursuing the wildest schemes in America; and he verily believed that there had been a time when it would cost the whole cabinet their heads to have left Gibraltar exposed as much as this ministry had done. He confessed that in the glorious administration of lord

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Chatham, that great minister had formed a design of establishing a place d'armes at Belleisle; by which he intended to keep in constant alarm the whole coast of France from Bayonne to Bourdeaux, and with seventeen or twenty thousand men make a great diversion in favour of the forces in Germany, from which place he expected to be able to force the French to withdraw the greater part of their army; but it ought to be remembered that when the plan was formed, the British flag was triumphant in every quarter of the globe, and was seen flying even in the bays of France; and therefore, if it was only the dominion of the sea that made such a project practicable, the like ought not to be undertaken now, when it was confessed not only that our navy was inferior to that of the enemy, but also that it was not in the nature of things that it should be otherwise. It might be said, these were military observations! but they were addressed to a military secretary of state; the country had not forgot that he had been a soldier; the country felt he was a counsellor.—He had not touched upon the principle of the war. The impracticability of it was a sufficient justification for supporting the motion. But he would not sit down without one word upon the part, which it might be remembered, he took upon the opening of the dispute. When he was called to the service in America, he went to it reluctantly; but he confessed not with a repugnance to the principle of the contest. He had then considered it only upon the ground of taxing the colonies by the King in parliament, in opposition to the mode of taxation by requisition of the crown, and he then thought it the Whig side of the question. Had he been convinced of his error, by reflection only, he should have thought it his duty in that House to make a public recantation; and if every man, under the same conviction of error, were to follow that principle, he should have no doubt of the success of the ensuing division. But, Sir, said he, I am a convert on broader ground; I am convinced, upon comparing the conduct of ministers, as time has developed their system, that the American war was but part of a general design levelled against the constitution of this country, and the general rights of mankind. I have further demonstration, the conviction of a whole people. Passion and prejudice and interest may operate suddenly and partially; but when we see one principle pervading the whole continent, and daring, through difficulty and death, for a course of years, it must be a strong vanity and presumption in our own minds to suppose they are not right. It is reason, and the finger of God alone, that implants the same sentiment in three millions of people. I assert the truth of that fact, against all that art or contrivance can produce to the contrary.

Sir *W. Dolben* said, that the resolutions were moderate, temperate, and senatorial; they criminated no person; they had no retrospect; but, as they ought to do, looked forward: however he was of opinion that the first contained too melancholy a truth, to go out to the world under the sanction of the House; and the second he thought was premature, as an army was at all events necessary; and the army ought to be voted before the executive power should be directed not to employ any part of it in America. Gentlemen seemed to differ on the meaning of some particular words in the resolutions: he wished that both sides could come to proper understanding on the subject. Let gentlemen explain themselves. Did they mean by the second resolution to preclude all naval operations against America? If they did not, let them say so. If they wished to have the posts all given up, and the forces all withdrawn from America, let them declare themselves openly, and not bring a resolution which would admit of a different interpretation. If he understood the honourable seconder rightly, his wish was to have the minister give that House a satisfactory assurance that government would not persist in prosecuting that mad and frantic war, the war with America, in an offensive manner, by marching armies against the colonists, as had been the plan of the last campaign. He said, that the declaration of the noble lord in the blue ribbon appeared to him to be tantamount to an assurance fully answerable to the hon. gentleman's expectation. The noble lord had satisfied his mind, and had induced him to give his consent to the subsequent motion for the order of the day. If the noble lord had not given that assurance, but had left the House in the dark with respect to the future system, he should certainly have voted for the motions, for he was heartily tired of the American war.

Mr. *Powys* said that nothing but sophistry itself could have twisted plain words to such perverse meanings as the friends of administration had done with

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regard to the hon. baronet's motions. No man in his senses would seriously presume from them, if the Americans should, on our cessation, continue their hostile conduct, that our hands were bound up from re-action.

Colonel *Barré* said, that the arguments used on the other side of the House, and the estimates, were delusive and imposing. The estimates for the plantations were for 6,000 fewer soldiers than for the last year; but then the numbers for garrisons more; and for the East-Indies about 9,000. Now, it was well known, that though these men should be voted for India, the executive power had an undoubted right to change their destination; and, if thought proper, to send the 9,000 to America; and therefore, without such a resolution as had been proposed, there was no security that the American war was not to be carried on to the full extent that it had been for years past.

Mr. *Fox* could not agree with gentlemen who would confine the eyes of parliament to a forward view of matters, neglecting a retrospect. He said he could only judge of the future by a consideration of the past. To those who asserted the impolicy of the motion, on the score of its intention of unconditionally withdrawing our forces from attacking the Americans, he answered, that no other prudent measure could, in the nature of things, be adopted; since the Americans could not make the first overtures to us, without madly rendering themselves suspected by their new allies; whereas if we began the pacification first, it would tend not only to give them a confidence in us, but also to sow doubts and jealousies in the breasts of the French and Spaniards, with regard to the strength of a connection that they must be certain would never have existed, were it not for dire necessity. He described, in very strong colours, the misfortunes that must accrue from a war of posts. He said, that if New York, for instance, was made a post, it would require 15,000 men to garsison it, besides a number of ships, for without ships he understood it would not be safe. So much force, then, would be detached from the active business and the theatre of the war, and we should be rendered so much weaker in all expeditions that could be valuable. But this was not all, experience had told us that the garrison could not be supplied with provisions even, much less with stores and ammunition, in America. They must be regularly supplied from Europe, and not having the superiority at sea, the whole fleet of Britain must be employed in conveying the transports to and from New York. To do this, and to relieve Gibraltar, would be the great operations of every campaign, and we should have Gazettes extraordinary publishing the triumph of our escapes, and of our wonderful success in avoiding, or in brushing past the enemy. Such, alas! were the triumphs of the present ministry. It was not their boast that they had brought home conquests to their own country; that they had taken the islands of our enemies; that they had crippled their fleets, or destroyed their operations. No; all their pride and their loud triumph was: "we have relieved Gibraltar," and when this war of posts was instituted, it would be: "we have relieved New York." The hon. general had well described the nature and benefit of a post. It was only valuable when it was the inlet to a circumscribed sea; when it commanded the place and was the key, without which it was impossible to enter. Such was Gibraltar. Its situation made it the most valuable post, since by that we had it in our power to keep divided the forces of our enemies, and this advantage made it an object of great value; but under the present ministry had we received the benefit of this post? No: we had incurred the expence of its maintenance, but we had received no advantage whatever from the possession. Our fleet had been annually employed, hazarded, and crippled in relieving it, but not one advantage to us, or detriment to our enemies had arisen from it. We were then to have new posts with the same system. The hon. gentleman spoke against the absurdity of this measure, and against the weakness and impolicy of carrying on the war, or of pursuing the object of American dependency under the present circumstances.

The *Lord Advocate* said, that when the noble lord declared that ministers would no longer pursue the phantom of an internal, offensive war in America, they fully and effectually satisfied his mind. He professed that he would have voted against the noble lord if he had not been so explicit, and if he had seemed to have inclined to prosecute the old system. But having said this, he was satisfied. He relied in the noble lord's declaration; both from the high opinion which he had of his

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veracity, as well from seeing that the declaration was confirmed by the estimates on the table. The mode of the war therefore was to be totally changed: but were the House ready to do what the last hon. gentleman advised, to abandon America totally, to give up all our posts, to withdraw all our troops, to deprive ourselves even of the advantages of chance, and in short to suffer America calmly and composedly to rivet her connection with France? He believed the House was not yet ready to go this length. He was willing openly to avow that in the former periods of this contest he entertained different sentiments of the event; but fatal experience had convinced him of the impracticability of reducing America to obedience by those means which we had pursued. He was for changing the mode but not for relinquishing the object. He concluded with saying, that he had a very sincere regard for the noble lord in the blue ribbon. He believed him to be actuated in all his measures by the purest zeal for the service of his country. His opinion of him was, that he only wanted one quality to make him a most distinguished and commanding minister; he meant despotism and violence of temper; as to his private virtues, they were the subject of general admiration.—The learned lord was stopped short in his panegyric by the noise of the hear hims! and of the laughs to which these expressions gave rise.

Mr. *Burke* made some facetious observations on the elegance of the learned lord's panegyric, and on the unfortunate reception with which it had met. He was sorry, that after having suffered so much under the noble lord's administration, the House was not in the humour to hear his panegyric. It would, no doubt, have been honourable to both parties; for the brilliancy of the noble lord's character could only have been equalled by the sincerity of the learned lord's praise. He said, that the only alteration which was promised that day, was, that the mode of the war should be changed. An American war you must have; but because you have grown dissatisfied with the manner in which it has hitherto been carried on, we will change the plan, we will give you another plan, but it shall be the same war; we have squandered 70 millions in one way, we shall now squander 70 millions more in another. We have well nigh ruined the empire in one way, we will complete its ruin in another. Your diet shall be differently dressed, but it shall still be the American war. The hon. gentleman reprobated this loose and unsatisfactory language of ministers, for it told them nothing. We must prosecute this American war; but no human being could discover what sort of war it was to be. He spoke with great force in favour of the motions as necessary to be adopted for the satisfaction of parliament and of the people; and adverted to the relaxed and shameless system of government throughout every part of our dominions. The dependencies of Jamaica, Bermudas, and Barbadoes, were in a state of the most dangerous confusion. Quarrels had arisen between the governors and the people, which had increased to an alarming height, and notwithstanding all the applications and complaints of the inhabitants and of the merchants, government had not interfered, or had not possessed sufficient authority to quell them. In every corner the empire was either distracted or disheartened, and his Majesty's ministers were mad enough to persevere in this war amidst the divisions of the empire and against the voice of the people.

Lord *George Germain* said in answer to what had fallen from the hon. gentleman, respecting the animosities subsisting in Jamaica, Bermudas, and Barbadoes, that government had taken measures for the quieting of these disturbances, which however were by no means alarming. He then came to a consideration of the question before the House, to which, he said, he certainly should object, because it went to a total relinquishment of the American war, which he conceived to be a project equally weak, impracticable, and dangerous. He agreed fully with the noble lord in the blue ribbon, that in the present situation of the war, it was adviseable to change the mode of it, and to carry it on very differently from the manner in which it had hitherto been conducted, and which had turned out so unfortunately. In this opinion all the King's servants were united, and he was not without hopes of meeting with better success than they had hitherto experienced.—As he regarded the motion as amounting to a resolution to abandon the American war altogether, he made no scruple to avow, that if the House came into it, he would immediately retire; for be the consequence what it might, he never would be the minister to sign any instru-

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ment which gave independence to America. His opinion ever had been, and his opinion then was, that the moment the House acknowledged the independence of America the British empire was ruined. This nation never could exist as a great and a powerful people, unless our sovereign was likewise the sovereign of America. This was a position he maintained from the clearest conviction, and he had rather abide the censure of that House than be the instrument of injuring the constitution of this country. By his hands the constitution should never fall; and when the moment arrived, that the House should resolve on the independence of America, he would instantly withdraw, because he was determined from principle to leave the people their country. [Mr. Byng said across the House, "you will leave us no country."] Lord George complained of the interruption, and said, if the hon. gentleman thinks himself warranted so to do, let him impeach me! I am not conscious of having ever intentionally in any one instance done wrong since I have held my situation, but I wish most heartily, if a change of ministers is aimed at, and thought necessary, that it may be done in the true constitutional way. Do not call the people together without doors, and tell them that ministers ought to be changed, but let this House with the dignity becoming its character and its true importance adopt at once the constitutional measure. Let them address the throne upon it, and every gentleman present knows the purpose cannot fail of being answered; let ministers be dismissed, be impeached, be punished, if they shall be found to merit it, but do not out of mere party spirit injure the constitution, and risk the ruin of the country.

Mr. *Byng* was ready to avow and declare his opinion to that House and to all the world, that the noble lord would by the prosecution of his system leave us no country, when he chose to retire from his office. The noble lord said, "impeach me then; why do you not impeach me?" Let the noble lord look round him, and he will see the reasons why he is not impeached. He will see a band of hired men ready to support him, or any minister who will pay them, against all the consequences of the American war. Give us an honest parliament, and then let us see if the noble lord would desire to find his security in impeachment.

Mr. *Thomas Pitt* strongly urged the propriety of adopting the propositions of the hon. baronet, and of giving to their country a convincing testimony that they were determined no longer to support ministers in the ruinous war in which they had involved us.

Sir *John Wrottesley* said, he should vote against the motion in consequence of what had fallen from the noble lord in the blue ribbon. He advised the House to come to no resolution on the subject till lord Cornwallis returned to represent the real state of the country, and give them some authentic information to the practicability of the war.

Sir *John Delaval* said, if the noble lord had not given the assurance which he did, he would not have voted for the motions proposed, but he would have objected to the carrying on of the war. He thought the declaration in the motions no longer to continue the war was too indefinite. How, without some force, could our remaining possessions be defended? We might entertain more reasonable expectations of extricating ourselves from our difficulties, by a spirited exertion, than by a supine despondency. He felt in common with other gentlemen, the burthens of the war, the weight of taxes, the decrease in the value of lands, and all the other evils thereof. He wished, in the present posture of affairs, every gentleman would resolve to give his best assistance to the putting an end to the American war, but hoped that the House would not make so timid a declaration, as that we would no longer carry it on. He thought it wise and necessary to abandon it, but imprudent and impolitic to declare it by a vote of the House.

Mr. *Dunning* with great poignancy compared and exposed the various arguments of ministers. He was not ready, he said, to give up the dependency of America: he thought that the ruin of this country was accomplished when America was acknowledged to be independent: he agreed that it was not possible to tell what posts should be kept, and what should be abandoned. Ministers had the intelligence, and knew best, but he thought that our troops should not be withdrawn without great consideration, and that we should be cautious how we decided upon a measure so big with the fate of the empire The noble lord's language was not explicit; we were not to have such a war as we have had, but we were not told what war

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we were now to have. He concluded with earnestly calling on lord North to explain his words more fully, as different gentlemen had declared, that they had understood him differently.

Mr. *Turner* spoke in favour of the motion, and said, he had always wished the Americans success, and was pleased when he heard of lord Cornwallis's defeat and capture, as he hoped it would put an end to our further persecuting our fellow subjects. He said the Americans ought to be treated as men treated their pointers. Who ever heard of breaking a pointer by force? Every body knew the only way was to coax the animal, and intice him to do his duty.

At two in the morning the question being put, that the orders of the day be now read, the House divided:

Tellers,

Yeas	Mr. John Robinson Mr. Macdonald	220
Noes	Mr. Thomas Townshend Mr. Byng	179

So it was resolved in the affirmative. Sir James Lowther's motion was consequently lost.

Debate in the Commons on the Army Estimates.] Dec. 14. The House went into a Committee of Supply, and the estimates of the army were referred to them.

The *Secretary at War* (Mr. Jenkinson) entered into the detail of the army estimates for the current year. He stated, that the whole force of the army, including the militia, amounted to 186,220 men, and for this force the parliament had to provide. The expence was 4,208,097*l.* 2*s.* 5*d*¾. This force was, in the whole, greater than that of the last year by 4,074 men; and the expence was consequently greater by 29,067*l.* 15*s.* This increase was occasioned by the greater number of troops already sent, or now going to the East Indies. The corps on that service, or appointed to it, and on the eve of embarkation, amounted in the whole to 9,436, being an expence of 176,784*l.* whereas the last year there was only one corps there, the regiment of lord Macleod. The right hon. gentleman went into a minute statement of the difference that there was in every article between the force of this year and the last. The difference upon the whole, in guards and garrisons, was very trifling; and it chiefly arose from the circumstance of the troops, held under the convention of Saratoga, being sent back to this country, and put from one establishment to another. From the total amount of the troops, effective and non-effectives, there were to be taken the non-effective, the account of which was upon the table. The whole of the rank and file, excluding the commission and the warrant officers, was about 157,000; but from this the House was to take the non-effectives, which amounted to 26,490, that was to about a seventh part of the whole. In the course of the last year, about 10,000 men were raised by the recruiting service; by the mode which was adopted of additional companies about half of them were got, and the other half by the old corps; but he was sorry to say, that they were got with much difficulty, and the men were very much lowered in quality, but they had all been inspected by general officers, and the reports had been accurate. The mode which had been adopted last year of lowering the establishments of reduced regiments had been attended with great benefit, but still undoubtedly some regiments were short of their complement, and the House was to grant more money than would be expended upon that service. It was not lost, though voted for this purpose. It came back to the national purse, and was brought to account with fidelity and expedition. The corps which were most under the establishment were those which had been held under the convention of Saratoga, and those in the West Indies. Many lives had been lost by the expeditions to the Spanish main, and in the island of St. Lucia not less than 2,000 men had died in 18 months. He was happy to say that they were now better accommodated, as barracks were erected for them, which protected them from the injuries of the climate. The right hon. gentleman, after going through his estimates, concluded with moving, as the first of his string of motions, "That a number of land forces, including 4,175 invalids, amounting to 49,455 effective men, commission and non-commission officers included, be employed for the year 1782."

Colonel *Barré* objected to the voting so much more money than was really to be applied, or was wanted for the army. It was the use, but it was a bad habit. The commissioners declared it to be a bad, uneconomical habit, to send money into the pay-master's office, there to lie unemployed. It was true it came back, but the commissioners had said well, that every

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guinea so issued and returned was sweated and Judaised in the passage. It did not come as it went, one pound one. To see some regiments charged 800 men that really did not consist of 100, and some that did not consist of 50 set down at 5, 6, 7, or 800 men in the estimate, was a mockery of parliament. He knew that in every quarter of the world our forces were much more upon paper than they were in the field, by which means we were induced to have confidence where we ought to have distrust. We had two garrisons besieged, Gibraltar and Minorca. In Gibraltar there was said to be 5,000 men; in Minorca 3,500. He could assure the House there was no such thing. He was apprehensive for them, but he did not fear the Spaniards nor the French. He had blamed his Majesty's ministers on the framing of the army-estimates, for what they did contain: he would now blame them for what they did not contain. He had the highest reverence for the army, though he did not belong to the profession, but still he wished that no forces should subsist under the command of the crown, which were not regularly before that House, upon estimate, and provided for in the regular constitutional way. But there had been for several years, 9,000 men in arms in America, under the name of Provincials, which the ministry had never thought proper to bring before the House in estimate, though called upon year after year for that purpose. It was very natural to suppose that they were in America, as they were here, deficient, and that we paid for men that had no existence. The House did not know by the estimates before them, and they could not know what was the army of Britain. The ministry brought it out in various shapes. The 9,000 in America were to be added to it; 5,000 artillery men were to be added. The force of the country came in various shapes, but there was none so insidious or so unsufferable, as when they came under extraordinaries, where there had been no estimate.

Mr. *Hussey* said that the management of the army was exceedingly defective in many ways, and in none more than in the practice of giving appointments of importance to boys over the heads of senior, veteran, and worthy officers; and in raising new regiments and independent companies, when the old corps were very incomplete. He said, it was a fact that there were boys made captains, and appointed to command lieutenants and ensigns who were in the service before they were born. A relation of his now in America, had continued a lieutenant upwards of 18 years; and several of the captains of these independent companies, were not arrived at their eighteenth year. Besides, this method was very expensive. To each of these independent companies three officers were appointed, their pay was 18*s.* 4*d.* per day, their half-pay 9*s.* 2*d.* All this might have been saved, as the old corps and old companies ought to have been filled up. It was right for the House to know how such flagrant instances of abuse had occurred; and that they might receive information upon this point, he moved that Mr. Ord should leave the chair and report progress.

Mr. *John Luttrell* said, if the order of that day, or of many other days, was to be strictly adhered to by the House, he should think it presumption to trouble them for one moment with his sentiments on a motion for military supply, because he had a very superficial knowledge of that service, and he was therefore persuaded, that almost every member within his hearing was more equal to the task of debating such a subject than himself: but the present motion for an army supply having followed the navy, which was voted at an earlier period than he expected it, he was unfortunately absent, or he would then have endeavoured to disperse the mist which had been cast before the eyes of parliament, and in which he feared many of the members had ever since been lost; for that he was almost persuaded, the desponding motion made by an hon. baronet, proceeded from some such cause, as in the course of that debate a melancholy description was drawn of our present naval armament: and that a right hon. member who had just spoken before him, declared when the House parted the other night, that it was the weak, the wretched condition of our fleet, which induced him to make a motion for the returns of the army. He thought it would be improper to enter upon the subject then; but so far he thought himself called upon to say, that when the next naval question came to be agitated, he did not despair of making it appear in the broad face of day, that we had still the ability to make a glorious struggle at sea, even with those nations which had directly or indirectly taken part against us; he said France, Spain, Holland, and America, were at open war;

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that their trade had been protected; that they had been furnished with arms, ammunition, military stores, and almost every other engine which seemed to threaten our destruction, under the sanction of flags, who deemed themselves the armed neutrality; but that in his acceptation of their conduct, they merited no better appellation than a cursed confederacy, calculated to humble the pride and the glory of this country. How, therefore, to avert the impending blow, and render such machinations futile, was not only the business of the House, but ought to engage the daily attention of every subject who wished to see the British arms appear respectable in the eyes of Europe. At the present time he should enter no further on the business of the navy, and would say but one word on that of America, until the subject should come more properly before the House, namely, that he had lent his aid to put out the first spark of fire which had been kindled in that House, and which lighted up the American war; that he had exerted all his powers to quench the flame as it increased, and that he should continue his best endeavours to put the best end we consistently could do, to so destructive a contest; that he was happy to find all his Majesty's ministers, the Secretary for the American department excepted, were come to their senses, and he had sanguine hopes that noble lord would not have the power to do more mischief. He, therefore, was unwilling to withhold from government the means of endeavouring to make a tolerable peace for this country, and he thought they were much more likely to accomplish that end with arms in their hands than by surrendering all their posts, and submitting to the arbitrary dictates of the haughty House of Bourbon; that, however humiliating he should feel it, whenever that hour came, which, in his opinion, made it necessary and wise to declare, that all further attempts, either by sea or land then, or hereafter, to enforce the obedience of the revolted colonies to this country, must prove ruinous and ineffectual; he would not look for vague and ambiguous terms to express his sentiments in, but this he would then declare, in language which could not be misunderstood, he was prepared to wave the dependence of America on this country; for, he declared, however ingeniously it was penned, had he given his vote in favour of sir James Lowther's motion, he should have thought that in force, effect, and substance, it would have amounted to such a declaration, and what little form would have been wanting, he should not have thought material; but he hoped the political hemisphere was not yet so dark as not to shew a glimmering light, which would lead to an advantageous peace to this country and to America also; that was the light he thought every body should follow, but at the same time, be properly prepared for their defence if it deceived us; therefore he readily consented to grant the supply asked for; for he was convinced, that the army of this country was as necessary towards the conquests and defence of this country as the navy: he was always sorry when he heard either stiled the favourite service, because he was sure they were never so useful or formidable as when acting in concert and upon equal terms; and he thought that professional men, of all others, should avoid making a distinction.

Mr. *T. Townshend* was exceedingly happy to hear from such high authority as that of the hon. captain, that our navy was in so prosperous a state, for the House had been told from authority pretty respectable, from the Admiralty, that the navy was and must be inferior to that of the House of Bourbon. He was happy to hear from the gallant officer, that the Admiralty in this point were wrong, as they were in many others, and that they were ignorant of the affairs and of the strength of their country. But which of the two the people would be inclined to believe in preference to the other, the lords of the Admiralty, or the captain of a ship, it was not possible for him to tell. He had said that all the ministers had come to their senses, except the secretary for the American department. What particular instances of sanity he had discovered in the rest, he could not take upon him to say; he wished that he had explained himself upon that head. Had they recovered their senses, because they concurred with that American secretary in rejecting the proposition made the other day for putting an end to the American war? Or had they shewn any disposition different from that of the noble lord, which exempted them from the insanity in which he was involved? He professed he could not tell. The only two confidential servants of his Majesty who sat in that House, had differed in their language; the one, the American secretary, had spoken out, and had said boldly the American war

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must be carried on. The other, the noble lord in the blue ribbon, gave a loose and vague opinion about the mode of carrying on a half war. They disagreed.—From these observations, he adverted to the estimates, having by the way expressed a marked preference for the naval, over the land service, in opposition to Mr. Luttrell's opinion; he found fault with the manner in which the troops that had perished at St. Lucia had been sent out, without clothing, without arms, crowded in the transports, and landed in an island where there were no barracks to receive them. As to the motion for leaving the chair, he did not suppose the hon. member who had made it, would divide the committee upon it; for his own part, he condemned many things in the estimates; but still he did not wish to stop the supply.

Mr. *Fox* said, he should only detain the committee for a few minutes, and he wished to say what he had to offer immediately, before the matter that had called him up should be forgotten. An hon. gentleman had said, that the ministry, (the Secretary of State for the American department excepted) had returned to their senses. He was very sorry to hear, that the only minister who had not come to his senses, was the minister who had the conduct of that war which was the cause of all our misfortunes. But the hon. gentleman doubted very much whether the noble lord was the only one that had not returned to his senses. He had indeed declared, that the war in America was still to be carried on, but another noble lord (North) had also made the same declaration, though in a more qualified way.—The noble lord in the blue ribbon had said, in opposition to the motion that was made for putting an end to the American war, that it was to be carried on upon a much more limited plan than it had been hitherto. It was a fact, and the House must remember it, that four years ago, when a motion was made for putting an end to this accursed war, the noble lord said that it would be continued, but it would be continued upon a contracted scale. Exactly as now, the noble lord had told the House that it was to be altered, to be diminished, to be contracted; and the House was imposed upon. It was not possible for the noble lord to forget this assertion, but he would mention to him a circumstance that would, perhaps, remind him of the fact. An hon. friend of his (Mr. Burke) treated with infinite ridicule the assertion of the noble lord, and had given a most ingenious commentary on "the promised war in miniature, the little, light frigate of war, the pocket volume of war, the war in duodecimo." Then it was clearly apparent, that the House had been already deluded by the minister's promise of contracting the scale. They had seen how it was to be contracted. Other armies had been marched through the colonies, and other armies had been lost.

Sir *George Savile* spoke with great ability on the general question of the American war. He said, he had come to town against the great day when that question was to be agitated, and if he had been upon his death-bed, he should not have died in peace if he had not been carried into the House to discharge his conscience upon that occasion. He had not had an opportunity of speaking, but now he must deliver his sentiments with freedom. When he read the King's Speech, the speech which the minister put into his mouth, it struck him with horror. The Address which a young gentleman had proposed in answer to it, was, as all addresses are, a simple and mere echo to it; and the House, with that fondness for it by which they are characterized, adopted and passed it. Experience had taught him that the Address of that House was avowed to mean nothing, that it was an empty form, and generally nothing more than a mere echo to the language in the speech from the throne, which was also the speech of the minister; so that in fact the crown and the parliament danced a minuet together, to a tune of the minister's composing. The crown led off one way, the parliament in a similar step to the opposite corner; they then joined hands, and at length finished just as the dance began. If it should please his Majesty's ministers to put into the King's mouth the first line of the song, "What charms does my Flora disclose!" he would be bound the House would echo the second: "How sweet are her smiles upon Tweed!" The minister when he asked for such an Address, told the House that there was nothing more than a compliment in it, but when that compliment was obtained, it lost its aereal appearance, and became substantial sincerity. This was the case now. They had agreed to the Address, and they must now grant a supply. That was their tone. He was astonished to hear that the House had been deluded into an

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opinion that they were not pledged to the continuance of the American war. It was palpable in every line of the Address, if they must take words by their common acceptation, and according to their true, genuine grammar use. But the minister had said, that we were not to go on with the American war in the same way; we were to alter and contract the mode of it; but did that make any material difference? He had read of a Lacedemonian, who, in a war with a neighbouring country, had in a sea engagement swam up to a galley, and laid hold of it with his right hand; the people in the galley cut off his right hand; he then seized hold of it with his left hand; they cut that off also, and then asked him if he would go on with his attempt. The Lacedemonian said, not in the same way, and he instantly seized upon it with his teeth. This was exactly the case with government; they had lost both their hands in their attempts upon America, and they were yet determined to go on, and fasten upon it with their teeth. But they should remember, that when the Lacedemonian did this, they struck off his head.

Lord *North* said it was not easy for him to recollect with precision what he had said some years before; he might have said, upon the event of the disaster at Saratoga, that the war would be in future contracted, or not be carried on to the same extent, as a matter of mere argument. But surely that expression was very different from the solemn assurance which he gave to the House on Wednesday last. What he had said on Wednesday night, to the best of his remembrance, was exactly this; that gentlemen might easily perceive, from the estimates, that it was not the intention of ministers to prosecute the war in America to the same extent, and in the same way that had been hitherto done; that was to say, not to attempt to send armies to march through the country, as that of earl Cornwallis had done, nor strive by such schemes to reduce America to obedience by force. This was exactly his assertion, and he desired it might not be misunderstood. This did not extend to a relinquishment of their posts, or to a naval war; their posts might be necessary to other purposes. It only went to that sole thing of dropping all further ideas of sending troops to penetrate the country, as had been hitherto the plan. He meant to be perfectly explicit, and when he used the words "continental plan," it was not an expression of his own, but the words had been used in the debate before he rose. Gentlemen had talked of the continental plan of the war, and had rested their arguments chiefly upon calling upon ministers for a declaration, whether they designed to pursue the war on the continental plan? He therefore suited his declaration to their arguments. He did not mean to say "offensive war," that would have been a vague expression, or to have it understood farther than that government did not intend to send an army to march through the colonies, as had been the plan of the last campaign under lord Cornwallis; but it had been objected that the estimates were no criterion by which the House could judge of the plan of government, since the forces apparently destined for service in one part of the empire, might be withdrawn from thence, and transported to another. But was it not a full answer to this remark, that if such forces should be so withdrawn, the service to which they were at first appropriated must be lost for want of their support, and consequently, no man in his senses could presume that any minister would be fool hardy enough, thus to render himself liable to destruction for his abuse of a power which parliament had expressly allotted to a specific purpose, by advising the application of that power to a different service than what that high authority had plainly appointed it to. He could not help thinking that the considerations of this alone must be the most unequivocal that any rational man could desire of the integrity of administration in the expressions they had made use of.

General *Smith* charged ministers with having neglected the information which they had received from the general officers who were employed. They had received intelligence early in the war, that all attempts to penetrate the country of America must be fruitless, as well as fatal to the armies which were sent to try the experiment. They were criminal for neglecting that information.

General *Conway* said, that the various opinions which he had heard, and the various assertions, made him at once deject and despair. Military opinions had been given, of which he did not, could not approve. It had been said, that it would be right to keep the posts, and that a war of posts would most certainly be possible, or

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would be advantageous. He desired to know if it was believed to be advisable, if possible, to keep the post of New-York. He knew that sir Henry Clinton with all his force was alarmed. To keep New York we must have Long Island as a post. Long island was 100 miles long. He owned he did not know what the noble lord in the blue ribbon meant by his description of what was to be the war. Did he mean that we were to have no continental war in America?

Lord *North* said, continental war did not come up to his idea. If we fought at all upon the continent, we must have a continental war.

General *Conway* asked if we were to have no offensive continental war?

Lord *North* said, that was not the exact description neither. We were to have no internal war.

General *Conway* said, he did not know how to understand the method and the kind of the noble lord's war. We were not to march, but we were to fight; we were not to fight to reduce America to obedience, but still we were to fight, and to continue in America. It was not to be continental, and it was to be continental; it was to be offensive, and it was not to be offensive. In short, it was to be continued, but ministers did not know how. They were bewildered; they had their hands cut off, but they were determined to fasten upon it, and cling to it some how or another, by the teeth, or the feet, or the best way that they could, and that with a navy pronounced by themselves to be inferior to the enemy, and what they had declared must be inferior to the enemy through the whole contest. The circumstances of our country were more distressing than he had it in his power to describe; he did not think that the ministry were treacherous; he did not think they had ruined their country from base, lucrative motives; if he thought so, he would move for their impeachment instantly; he thought they were weak, and wanted union and firmness. This was the cause of all our miseries; this was the little, despicable Tory party, which had deserted from our glorious constitution, and the infamous band which had been bribed to betray it. In earlier times, the young men of the House would have assumed a different spirit than they exhibited at present; they would have been roused by the sufferings of the country, and would have acted with the vigour that became the young citizens of Great Britain; but there was a scandalous indifference about them in regard to every thing but the sacred preservation of their own persons. The state of our fleet in a particular manner was dreadful. He said that once a whole people, the most enlightened in the old world, on a great emergency embarked their whole people. We ought to follow the spirit of this precedent. We cannot embark all the kingdom, but how many regiments might not be usefully employed afloat; all the regiments ought to learn the firing of great guns. This was a part of discipline shamefully neglected in our service. Every man ought to be an artillery man; in Jersey they were all so. The whole people understood the firing of great guns; a company of artillery was sent over to instruct them, and the company of artillery sent over to instruct them were the only persons in the island that were ignorant of the matter. This was a fact.

Mr. *William Pitt* spoke next with his usual force and elegance. He would not have offered himself to the House at the time when the hon. general who spoke last got up, sensible of the superior abilities of that great and worthy member, had he not held in his hand a paper which he conceived would be the most conclusive answer to the language of ministers. It had been said on that day that the Address of the House was always an echo to the Speech from the throne. If this was the case, surely it would be allowed that one speech from the noble lord in the blue ribbon was or ought to be the echo of another. Some words which the noble lord had spoken on that day had struck him so forcibly that he had been induced to take them down, and he believed he had done it pretty accurately. By those words the House would be able to perceive what credit was to be given to the assertions of the noble lord, and how safely they could vote this or any supply on his declaration respecting the further conduct of the war. In a speech spoken expressly for the purpose of appearing more than ordinarily explicit, the noble lord had contradicted himself most strangely, and had shewn the committee in a striking manner how little any declaration that he made was to be depended upon. The noble lord's words were, "that government were resolved not to prosecute the war in America any longer on a continental plan;" and scarcely were these words out of the noble lord's mouth, when he

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said, " that is, by sending fresh armies to march through the colonies, in order by the operation of those marches to subdue America to obedience;" so that the noble lord had no sooner said one thing, than shocked at having uttered any thing which seemed to be satisfactory, or which could have been understood, startled at the sound of his own words, he says another, and still fearing, that he had dropped any expression that might be fastened upon, and to which he might be bound down, labours to explain away the whole of what he has said, and tells us, he does not mean " offensive war;" for offensive war includes every species of attack, and that the word 'continental' was used by some other speaker before he rose, and is different from his meaning, for every plan that could be contrived for pursuing the war in the colonies would be stiled a continental war. The hon. general pressed him upon the point, but it was in vain; he could not describe what sort of war we were now to institute. But there was one thing which had fallen from the noble lord in the blue ribbon, and that he trusted would not be forgotten. He had told the House, that there was a clear distinction to be made between the assertions which he advanced in argument, and the solemn assurances which he gave as a minister; his assertions in argument were different from his solemn assurances. The noble lord had owned that he did advance things in debate which, as it would not be possible or convenient for himself to maintain, it would not be politic or safe for the House to believe. This the noble lord had said, and he trusted it would be remembered. He trusted they would never forget to call upon the noble lord at all times for what his assertions were, whether they were assertions in argument; they might be so this day. An assertion in argument! Good God, are we to be desired to believe a declaration of this day, when we are given to understand, that the person who made it, possibly used it as an assertion in argument! What! Is saying that " ministers are determined not to send fresh armies to march through the colonies of America, by the operation of those marches to subdue America to obedience," a mere assertion in argument? And when the committee by this assertion are deluded into the vote of this day, and they afterwards see the American war pursued with this army which they are now voting, and with the same system which they have been all reprobating; what will be their feelings when the same minister shall rise four years hence, as he does now, and tells you gravely, that it was all a mere assertion in argument! and these his assertions in argument are calculated only to delude the House for the day, but were never meant to be observed. But to shew what admirable union there was in his Majesty's councils, he begged leave to state to the House what had fallen from those two noble ministers who sat in that House. The noble lord in the blue ribbon had said, that he wished to speak with precision, and he had said, that the war was not to be carried on in the manner which it had been, to the same extent, by penetrating through the country; and by the same plan that it was not to be carried on, with an intention of reducing America to obedience by force. The American secretary declared, that there was one thing in which he could say with confidence, that all his Majesty's ministers were agreed, and that was in not abandoning the object of the American war, nor ceasing to prosecute it. Here then was the harmony; here the union of his Majesty's ministers; one says the war is to be pursued; its object is to be pursued; the conquest of the colonies by force; no, says another, not to be pursued for the purpose of reducing the colonies to obedience by force. The noble lord at the head of the American department assures us, he is of opinion that this country is ruined, if the independence of America is avowed, but he speaks it as his opinion, he does not know the opinion of other ministers. Is it to be credited, that a ministry ignorant of each other's opinion are unanimous? The absurdity is too monstrous to be received, especially when the assurance is made at a moment when ministry are more palpably disunited than ever! Mr. Pitt, observing lord North, lord George Germain, and Mr. Welbore Ellis whisper, said he would pause until the unanimity was a little better settled; till the sage Nestor had brought the Agamemnon and the Achilles of the American war to one mind. The hon. gentleman, with an amazing power of argument and eloquence, conducted the contrast through various passages of the speeches of the two noble lords, drawing from each the firm, clear conclusion, that they were divided, and disunited in sentiments, and that one or both of them had the meanness to continue in office, and to stand responsible for measures of which

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they disapproved. He loudly called upon the House to extricate themselves from the disgrace of being subservient to the despicable views of a set of men who kept their places, and prosecuted the war, from no other motive under Heaven but that of avarice. There was only one thing in which they seemed to agree, and that was in their resolution to destroy the empire which they were called upon to save, and this he feared they would accomplish before the indignation of a great suffering people should fall upon their heads, in the punishment which they deserve; and, said the hon. gentleman, in a beautiful conclusion, may God only grant that that punishment be not so long delayed as to involve within it a great and innocent family, who, though they can have had no share in the guilt, may, and most likely will, be doomed to suffer the consequences!

Mr. *Martin* said, that as he had been one of those few, who not only had been a constant friend to the cause of liberty in America, but had frequently and openly avowed it, he now rose to declare, that he remained stedfastly fixed in the same principles. That he flattered himself he should have credit with some, at least, when he declared, that he had not in this, or any other matter, been actuated by a factious disposition, or any sinister motives, but by that warm attachment to the natural rights of all mankind, which, he trusted, would be his leading principle through life. That he had always opposed the war as oppressive and unjust. That it had been alleged, that it ceased to be unjust, when this country gave up the right of arbitrary taxation. That having given up that right, it seemed to be allowing, that we had exerted it illegally. That no one had been called to account for that illegal exertion, and that he thought we had no claim to peace from America, till the man, who had advised his Majesty not to receive the petition offered by Mr. Penn (which was couched in the most decent, forcible, and respectable language) should be brought to punishment. That he regarded that person as a traitor to his country and the rights of humanity. That in regard to the question now before the committee, for Mr. Ord to leave the chair, he should only say, that he never expected any question, tending to the good of the public, to be carried in the present situation of the country; that what he had observed of the conduct of parliaments for some years, had perfectly confirmed him in an opinion, to which he had been long inclined; that though our political disorders might be in some degree palliated, there could be no radical cure for our dreadful diseases, but a thorough reform in the constitution of the House of Commons. That in saying this, he begged to have it clearly understood, that no man living was more perfectly aware of the great difficulty of such a reform than himself, but that whatever the difficulty might be, it must be not only encountered, but overcome, if we meant to enjoy that freedom, of which we now vainly and very falsely boasted. That he was almost tempted to declare, that if this matter was not brought forward during the present session, he would the following year, however unequal to the task, attempt to submit it to the consideration of parliament by some means or other, but that he hoped to see it sooner in much abler hands. That he might venture to say of the last parliament, and gentlemen were welcome to suppose that he thought the same of the present; that it was, as is well expressed in an Irish pamphlet, lately published, "the mockery of parliament, and rather an insult upon liberty than a protection to the subject;" that as matters stand at present, he believed the noble lord in the blue ribbon to be more absolute than any prince in Europe; that he issued his mandates in Treasury letters, which were implicitly obeyed; that he thanked God, not being in the suite of the noble lord, he never was honoured with one of those letters; that was he to receive such a one from any minister, however he might respect him, he would treat it with the utmost contempt; that members of parliament should know their duty to attend, without such sort of summons, and only obey the orders of the Speaker. That much had been said of the insanity of the ministers; that he should only observe upon it, that if this country were represented as it ought to be, we should put a sort of straight waistcoat upon them, which would effectually keep them in order; that the noble lord and his colleague, at the head of the American department, talked much at their ease of the effects of an impeachment; that they well might do so, backed by the present majority; but that if the representative body was as pure and uninfluenced as it ought to be, he was very sure the noble lords would not feel so bold; but indeed

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in that case, most likely the horrid evils they have brought upon us, must have been prevented.

Mr. *Rigby* paid many compliments to the representative of the earl of Chatham, and said, that his oratory was not less persuasive, his abilities less powerful, nor his virtues less splendid. He had observed with amazement and pleasure the effect which his eloquence had made, and the awe, the hope, and the animation which it inspired.—He said that there was one thing which he must remark in the gentlemen who attacked administration, that they were not themselves agreed with respect to America. He observed the difference in their sentiments to be glaring the other night, when one gentleman said that we must not give up the dependence of America; and another was for giving it up. But he agreed with Mr. Pitt, that there was something dark in the manner of acting of the two noble lords; something obscure, of which the House had certainly a right to call for an explanation: there was a something in the language of the two lords both then and on Wednesday last which seemed to indicate that they were divided in sentiment; if this was the case, why did they not speak out? The House certainly had a right to call upon them to do it. Those who had supported them had a right to demand the question, the country had a right to know it. What were we to do? To withdraw our troops if we could; to go on in the same mad and wild scheme of subduing America, by marching about the country? They must speak out. He was not ashamed to own, that he had all along voted for the prosecution of the American war, with the hope, that this country would be able, by the power of her fleets and armies, to coerce America, and reduce the colonies to obedience. He was now as fully convinced that the idea was impracticable. He had formerly declared, he would not listen to any suggestion of granting independence to America, because he thought this country ought not to admit such a degrading suggestion till we had been beaten. He was sorry to say, that unfortunate moment was now arrived, and therefore he conceived it would be as mad and as foolish to talk of the reduction of America by force of arms now, as before it would have been timid and unmanly to have acknowledged the American claim of independence. Then it might be asked, if this was his opinion why did he not vote for the motions of the hon. baronet? The reason was this: that the adoption of these motions bound the House to the immediate and total dereliction of the American war, a measure which he did not think the House was yet ready to assume, and to which, he, for one, must object; for he did not think it either wise or proper in the House to come to that resolution. The noble lord in the blue ribbon had said that he renounced the continental war in America; he believed his assertion; and he believed it as well from his own private word, as from the estimates then before the House; for as we had lost an army, and that lost army was included in the estimates, and no new army was demanded to supply the place of the former, it was clear that not having been able to conquer America with the former army, the noble lord could not think of undertaking it when the army had suffered a diminution of 7,000 men. It was clear, then, that the noble lord meant only to carry on a war of posts, and therefore he, for his part, would vote for the present supply; and he voted against the resolutions of Wednesday last, because in this war of posts he would not tie up the hands of government, so as they should not be able to avail themselves of any favourable turn of affairs, and therefore he put his negative on a motion that would have completely taken all our army from America; for under such a resolution as it had been proposed to pass, the garrisons could barely stand on the defensive; this would be absurd in two cases which he supposed, the one that New York was besieged, and he wished that it was not probable that it would in that case be supposed, but for supposition sake, for he had no hope of the probability even of such an event, that our army could so sally out as to cut the besieging army to pieces; that certainly would be called offensive war; but would it be reasonable to command our general not to wage it if he could? Another supposition of his was, that if we had withdrawn our forces from New York, (a thing by the bye, which he said, he was afraid could not be done, till we should have a better navy,) and that in the absence of our army, the French and Americans should quarrel, would it not be madness to say, that if the opportunity of cutting one or both of their armies, should offer, our general should not be at liberty to seize it? This would be an offensive

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war, such as he would not condemn; but it would not be a war carried through America, from one end to the other, which he must at present reprobate; for, let the fault rest where it might, we were not able to do it: the estimates convinced him, that no such war was intended: and therefore he would vote for them.

Earl *Nugent* expressed his surprise, that any man should now hesitate to grant the independence of America: all parties were agreed that we could no longer carry on the war; was not this strange logic, to renounce the war, and yet boggle at granting independence? There was not a man in that House who ought to make the least difficulty on the subject; the different powers in Europe were as much interested in keeping America dependent, as we ourselves were; but they did not attempt to prevent the independence of that country; the reason was obvious; we were doing it for them; we were fighting their battles, and weakening both ourselves and America: this was precisely what the European states wanted, to see us humbled: but they by no means wanted to see our colonies independent. The independence of America would be the ruin of the northern crowns, for she would then supply all Europe with those commodities for which Europe is at present obliged to resort to the north. The independence of our colonies must be to the last degree prejudicial to Spain; for their independence would be the forerunner of the loss of her colonies, and therefore, what was very remarkable, though Spain had joined France, and warred against us, she had never acknowledged the independence of North America. The Dutch would be ruined by this independence, for, supplanted by the Americans, they would cease to be the carriers of the world. Upon the whole, the best way to make the powers of Europe interfere, would be to renounce the war, and for some one to move for leave to bring in a Bill to enable his Majesty to acknowledge the independence of the colonies.

Mr. *Harrison* said, as the resolution of this and the preceding day, would be considered and go abroad as the sanction and approbation of that House, of a continuance of that ruinous system of politics that had been so long, and for this country so fatally adopted by his Majesty's ministers, in the prosecution of the present unfortunate war with America, he thought they could not press administration too strongly, to declare, what probable advantage they had in view to this country, from a continuance of that destructive measure; for however explicit the noble lord in the blue ribbon might think himself, he could only consider his explanation to be, that he would carry on the war in another mode. Under the present situation of our affairs in America, no motive could be ascribed for their conduct, but resentment; a haughty resentment, that could not brook that a people whose humble petitions they had rejected with scorn, should now treat with contempt the humiliating offers of this degraded country. He strongly reprobated the idea of a House of Commons voting the blood and tresasure of their constituents, to feed the resentment of any set of men, in pursuing measures that could only be the means of binding America stronger to the French, and removing any prospect of amity with this country to a greater distance. He recommended a total change of men and measures, as the only means to save this country; and where the existence of the nation was at stake, all personal consideration ought to be disregarded. He averred, the present people could not make any proposals for peace with America, with that probability of success, as if they came from persons whose sentiments were more favourable to the opinions of that country. Resentment on one side and mistrust on the other would render them ineffectual. He said, if the nation had those resources they were taught to believe, in God's name let them be brought out for better purposes, and not in pursuit of unattainable objects. Let them be brought forth to increase and strengthen the natural bulwark of the kingdom, the navy of Great Britain, the great object of national glory and defence! For these reasons, he considered it as the extreme of bad policy to exhaust the resources of the kingdom in pursuing plans from which no possible advantage could accrue to the nation, and therefore should give his negative to burthening the people with the expence of so large a landed establishment.

Sir *Herbert Mackworth* said, that he had supported ministers in the American war, from the conviction that they had the real interest of the empire at heart, and that the principle of the war was just. He heard those ministers stigmatized from every corner of the House. If he thought that one half of what was said of them was

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true, he would abandon them that instant. If they were in the pay of France, they did not deserve to live, much less to be entrusted with the administration of our affairs: but he did not believe it. He could not help saying, however, that there appeared an evident difference of sentiment between ministers, which ought to be reconciled; for without harmony it was not possible to go on.

Mr. *Fox* called upon Mr. Rigby, as he disapproved of the motions proposed by sir James Lowther, to suggest a motion that would collect both their sentiments, and let them bring it on jointly, that the fluctuating, changing, and divided ministry might be bound down by a parliamentary declaration. He thanked the right hon. gentleman for his candour and openness. It became him, as an upright member of that House, to declare his sentiments with freedom; and when he saw a man thus stand up in discharge of his duty, untempted by the emoluments of office, he should have his hearty applause, whether he did or did not agree with him in general. The opinion which he had given could not be considered as the effect of disappointment, or of interest; his advantage was evidently to be derived from a contrary conduct. But he had spoken out: he loved his country, and he preferred it to his office. A learned lord had, on a former day, professed to speak in a manly style. He had talked of the infamy of that minister, who should be base enough to continue in a responsible office where he had not power. He had talked of this, and had affected to reprobate it. He had condemned the conduct of the American war, and thrown out a promise to the House, that a short day would come when he and ministers would speak out. If the learned lord desired to acquire the credit which was due to openness, if he wished for any more than an affectation of independence, he must now come forward and realize his assurances. He had heard the hon. gentleman (Mr. Pitt), with that commanding eloquence which even the effrontery of ministers could not resist, detect and expose what the learned lord suspected, the glaring and abandoned disunion that subsisted in his Majesty's councils: having heard this, it was his duty to stand up and to call upon his two noble friends, on his right hand and his left, to explain their sentiments, and to give the House an unequivocal assurance of their being united in opinion and principle. If the learned lord did not do this, he must expect that gentlemen would think his affectation of openness more despicable than the most slavish servility could possibly be.

The *Lord Advocate* said, if there was any difference amongst ministers, it was their bounden duty to declare it to the House. As to the continuance of the war, he was perfectly in the opinion he had given on Wednesday last, namely, that it was not intended to continue it to the extent it had been; and to judge with certainty of this, there was no occasion to have it from the mouth of the minister, because the estimates fully proved it. He said, that gentlemen seemed to be extremely anxious about his character: he did not desire their care; he was able to protect his character himself; and he was convinced, if they turned their attention to themselves, and took care of their own character, they would have business enough upon their hands. He was ready to repeat every syllable that he had said before: if any one of his Majesty's ministers was base enough to remain the conductor of measures which he condemned, that man was unfit for society. With respect to the question before the House, he must certainly vote for the army supply; it was a force absolutely necessary to the occasions of the empire, independent of the American war. If a force had been required necessary to the further prosecution of that war, he should have objected to it as heartily as any gentleman. He adverted to the language of gentlemen on a former day, with respect to the American war: one member had declared, that we ought to acknowledge the independence of America; another had said, that the minister who should dare to propose such a measure would be guilty of high treason. The committee could not therefore be ripe for coming to any resolution on that point; for which reason, he wished they would rest satisfied, that under the present situation of affairs we could not do better than change the mode of the war; and, for our doing that, he would not rest merely on the minister's declaration. He would look up to much better authority, the authority of the estimates of the army; which clearly convinced his mind, that ministers not only meant to discontinue, but had deprived themselves of the power of continuing a continental war in America.

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The committee divided on the motion, That the Speaker do leave the chair; Yeas 84: Noes 166. The several motions of the Secretary at War were then put and agreed to.

Debate in the Commons on the Case of Mr. Laurens, Prisoner in the Tower—And on the Exchange of Prisoners with America.] Dec. 17. Mr. *Burke* rose, to give notice of a motion that he intended to make after the holidays, for leave to bring in a Bill, relative to the exchange of prisoners of war; and to obviate a difficulty, in the Act for the suspension of the Habeas Corpus, which was at once disgraceful and inconvenient to the government of this country. He was drawn to the consideration of this matter from the particular cases of two characters, cases of a nature totally distinct; but which were both attended with striking circumstances of peculiar hardship. The House would naturally perceive that Mr. Laurens was one of the two cases to which he alluded. Under the law which he had mentioned, Mr. Laurens was confined in the Tower; but though it might seem to countenance his commitment, it could not authorize the hardships to which that venerable gentleman was exposed, and the rigours that he suffered in his imprisonment. It might be asked, why he had suffered a matter that had humanity for its pretext, to remain so long unenquired into, after he had declared it was his intention to bring it before the House? In answer to this, he could only observe, that there were strong reasons for his not going on with the business earlier, and that one of the most essential benefits arising from delay, (which was undoubtedly the cause of a variety of evils in opposition to those benefits,) was, that it enabled men to get at a more accurate knowledge of facts, and to tread with greater certainty on the ground they meant to take. It had, he was perfectly aware, been urged against him without doors, and perhaps the insinuation originated with some within, that he felt he had gone too far, that he found his opinion prematurely formed, and that had he attempted to proceed farther, he should have been obliged to retract his charge. It had also been said, that he was rash in proceeding on mere newspaper authority; that it was ridiculous to go upon anonymous letters published in a common newspaper, and that no wise man would, with such unsubstantial evidence, proceed a step farther in a matter of so much moment. In reply, he must say, that the newspaper publications on the subject were not vague, loose, and general; that they stated facts circumstantially, mentioned names of men and things directly, and gave dates of time and place with a degree of confidence rarely assumed by fallacy or fraud; that five several correspondent and well connected narrative letters had appeared upon the subject, and that the whole taken together, amounted to a printed charge, sufficiently respectable to warrant him, or any other reasonable man, in proceeding upon it. But the truth was, he had directly made no charge whatever respecting the case of Mr. Laurens; he had only declared his intention of moving for that worthy, enlightened, and respectable character to be brought to the bar by the lieutenant of the Tower, in order for the House to ascertain whether he had been ill-treated or not. When he fell into the hands of the promising young officer who took him, (capt. Keppel) he was treated by him with every mark of distinction, which could be suggested to him, by a memory of what his prisoner had been, and what he then was; he treated him like a man who had been at the head of the greatest commonwealth on the face of the earth; like a man who was then invested with the character of ambassador from that commonwealth: he called it the greatest commonwealth on the face of the earth, upon the principle of Zanga, who speaking of Alonzo, said, "great let me call him; for he conquer'd me:" America had beaten Great Britain, according to the avowal of a right hon. member, (Mr. Rigby) who, zealous as he had been in the American war, had confessed that we had been beaten. But no sooner had Mr. Laurens arrived in London than he found found himself treated in a very different manner; not as a prisoner, whom the chance of war had thrown into our hands, but a traitor; and as such was committed to the Tower: his treatment there was of the most rigorous nature; kept a close prisoner, he was not indulged with the comfort of seeing his relations and his family, till that indulgence had been purchased by those relations, by submitting to the mortifications of repeated and insulting denials. The use of pen, ink, and paper was withheld from him for three months; for the people in power, to whom his request for these articles had been re-

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ferred, delayed giving him any answer for three months; at the end of that period, he was so far allowed the use of pen, ink, and paper, as to be permitted to draw bills upon some persons, with whom he was fortunate enough to have had some connections before the contest begun, and who owed him money. But prior to this last indulgence, Mr. Laurens' case had been truly deplorable. It was a vulgar opinion, and one which he himself (Mr. Burke) among many others, had always entertained, that a person confined in the Tower as a state prisoner was allowed a subsistence, or a table of some sort, by the state: but if such a thing was allowed in general, it was not Mr. Laurens' good fortune to have felt the benefit of it; for no allowance whatever of that nature was made to him; and what was most extraordinary, while government refused to supply him with the necessaries of life, they would not permit him to write, so much as to draw a bill upon the merchant, who would have supplied him. A very extraordinary occurrence happened at the same time, which might be truly termed barbarous; for while the venerable old man was refused the use of pen and ink, even for the purpose of procuring the necessaries of life, a bill was presented to him for fees to the amount of 99*l.* 10*s.* The means of paying such a bill were first withheld, and then the prisoner was called upon to pay it: the effect this produced upon Mr. Laurens was, to make him laugh, and treat the whole very ludicrously, saying to the man who presented the bill, "Friend, I believe I shall be obliged to quit my lodgings, for really they are too dear for me; I cannot afford to pay so high for them." Thus it was that this good man was able, from his own greatness and fortitude of soul, to rise above those who only meant to tease and insult him.

In the early part of the war, the conduct of administration was not so rigid towards the Americans who were brought prisoners into England, as to confine them, without ever admitting them to be exchanged or released; Ethan Allen had been brought to England in irons; but he was sent back without irons, and exchanged in America. This would have been the case too, perhaps, with Mr. Laurens, had not a new project been started, for narrowing the scale, upon which the King's pardon was to have been granted to those who had opposed his government; then it was, that the idea of giving Mr. Galloway, and other refugees, American peerages, was first conceived; and their ermines were to arise from the confiscations to be made by government; Mr. Laurens was the first who felt the effects of this pernicious counsel: and ministers were glad to have it in their power to ill treat a man, who was sitting on the throne of sovereignty, at the head of the Congress, when this country sent over ambassadors to that Congress; and who bowed so low as to ask even for leave to see, and mix with the worthy characters of America, superior to those of Greece and Rome; for such was the language and the behaviour of one of the commissioners whom they sent.

But was the ill treatment of Mr. Laurens in the Tower consonant to sound policy? Was it prudent to sour the minds of the Americans against England by the ill usage of their great and respectable president; was it politic to make him think ill of England? Ill usage might do it, but nothing else could; for he carried his love for this country, even to doting; he had sent his children to receive their education in it, and to learn to love this country; he had long opposed the disunion of Britain and America; and if any thing set him ill with his countrymen, it was the opinion they entertained, that he was too well affected to the interests of England. Instead, therefore, of treating him with barbarity and indignity, ministers should have blessed Heaven, that such a man had fallen into their hands; that they might avail themselves of his good will towards this country, in negociating with America: but their souls were too narrow; the gratification of their resentment was of too great consequence to them to be postponed to the interests of the state, and they had rather insult, and treat with brutal cruelty, than soothe and conciliate by kind usage, a man of the greatest penetration, the soundest judgment, and the most liberal mind of any man perhaps upon the face of the earth: such was the man ministers oppressed; overwhelmed with the gout, and labouring under a complication of complaints occasioned principally by the hardships of his confinement, ministers could still view him as an object for persecution; so that the Turk, the savage Arab, the cruel Tartar, or the piratical Algerine, when compared to our ministers, might be thought humane. The great, incura-

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ble, and fundamental error of that Act, to alter the regulations established by which, was the purpose he aimed at, was that it made no distinctions, such as wisdom and justice required; it did not point out the great and active instruments of criminality, but was confined solely to distinctions purely geographical. Thus it depended not on the enormity of each captive's suspected guilt, but on the place where he was taken, and the place to which he was conveyed, whether he should be considered as a traitor, a pirate, or a mere prisoner of war. It was to put justice on a more equal footing, to level distinctions which had their origin in oppression and barbarity, and to render the prisoners of war taken by this country certain of having the severity of their fate softened, and made somewhat tolerable, by that tender and mild treatment which all civilized belligerent powers made the rule of their conduct during a time of hostility, that he should move for leave to bring in the Bill, as its principal and most general ground of necessity.

The next point which rendered him the more anxious for the Bill he intended to bring in, was, in order to correct certain abuses, which were practised by ministers in the exercise of that power, which they either of right possessed, or which they claimed, in the disposition and treatment of persons seized by virtue of the Act in question, or who might become prisoners during the American war. The Act, at present in being, was in this point of view confined in its principle, and productive of the worst effects. In America the prisoners were exchanged upon an equal and a liberal principle; the spirit of the law operated there in a manner just and honourable. Change, however, the situation, and the effect of the same statute instantly varied. If persons were taken at sea on the American coast, and carried into New York, from the officers of any vessel, down to the common sailor, they were sure of receiving every possible indulgence, and every stretch of that civility and that humanity which, till the present war, had at all times been the glorious characteristic of the British nation. On the contrary, when American prisoners were brought here, they were not suffered to be free as prisoners of war on parole, but were either sent to confinement under commitments as pirates, or on a charge of high-treason. What he meant at the proper time to contend for, was, that Mr. Laurens was entitled to his freedom, on parole, as a prisoner of war; that he ought not to have been committed to the Tower or any other place of confinement, much less that he ought to have been made a close prisoner, and treated with the unexampled rigour which he had all along experienced. He knew perfectly well, that it might be urged, that the Secretary of State had grounded his conduct on the authority of an act of parliament, and that ministers had strictly adhered to law in all their treatment of Mr. Laurens. Was this any answer? were ministers, in whose hands the wisdom and justice of the nation were entrusted, whose duty it was to support the national character on a broad and liberal footing, to descend to become lawyers and pettifoggers? were they to act on that narrow scale which a Middlesex magistrate, a Westminster trading justice, an Old Bailey solicitor, or a bailiff's follower, would hold themselves tied down to? He was convinced great statesmen would feel it to be their duty to act in a very different manner. But Mr. Laurens had experienced such treatment,—he had been denied the only, and the best comforts of the human heart in the moment of distress, the sight and frequent visitation of his nearest and dearest relations; even his own son had not had access to him, but in the sight and presence of a warden. Nay more, he had been imposed on, and though denied allowance from government, had been expected and called on to pay the most exorbitant demands, under the name of fees. How different was the treatment of prisoners of state in the Bastile? There, though looked on as the horridest jail of a despotic and arbitrary government, the provision was ridiculously grand, considering the supposed guilt of those to whom it was served up. All that justice, all that repeated requisitions founded on principles of the clearest reason could not effect, Mr. Burke said, had of a sudden been brought about by a star, that had risen, not in the East indeed, but in the West, and warned ministry of the danger of their longer persevering in their unmanly, resentful, and rigid treatment of Mr. Laurens. This was no other, than news arriving, that Mr. Laurens' son, a brave, a worthy, and a polished officer in the American service, had lord Cornwallis in his custody, and that his treatment of his noble prisoner was directly the reverse of the treatment experienced by his father, who was then locked up in a prison, of

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which lord Cornwallis was governor. The moment advice of this circumstance reached the ministers, they became as full of civility to Mr. Laurens as before they had been full of severity. But he was authorised to say, that Mr. Laurens would sooner starve, or undergo any distress the human frame was capable of supporting itself under, than be obliged to men, who had treated him so extremely ill. Mr. Laurens, he said, was naturally of a mild, meek, and humble disposition; but the injuries he had endured, had roused his feelings to resist them, and he now confessed himself to be, what he had never believed he could be, a proud man.

He now came to the third point, on which he rested his proposed Bill, viz. that other part of the abuses practised by ministers, respecting the treatment which those British officers, who had the misfortune to be taken by the Americans, experienced at their hands. In August last, he learnt that Congress had demanded general Burgoyne as their prisoner. He had not formerly been in the habits of intimacy with the general, but of late he had conceived the highest esteem both for his public and private character; and what led him to entertain that esteem was, his having seen the general force an inquiry into his conduct in that House, in spite of every opposition from ministers, who dreaded it, and who took care to render it as ineffectual as possible; and likewise from the whole tenor of the general's conduct, which shewed him to be a man of the strictest honour and the most rigid integrity, since he had with a manly spirit abandoned and resigned all the fair professional emoluments and rewards of a long life of service, rather than submit to feed the resentment and revenge of his enemies, who wished to destroy his reputation, and render his life miserable. Some time ago, an order had been issued from the army-office, for that general to return to his army in America: it was very well known that the hon. gentleman, in the then state of his health, would look upon such an order rather as an intimation to resign his military honours, the earnings of long service, than really to set out for America, where his presence could not be of any use: his own pride soon moved him to give up what he thought was all that was desired of him; and when ministers had got what they wanted of him, he heard no more from that quarter about going to America: but he soon heard of it from another quarter; for Congress, finding that the ministers of Great-Britain would not, upon any terms, release Mr. Laurens, had required general Washington to summon general Burgoyne to return to America, and save his parole. When this was urged to sir Henry Clinton, that officer entered into a treaty for the release of general Burgoyne: but as the latter was a lieutenant-general, and there was no officer of that rank in the American army, our commander in chief could not of course exchange him for an officer of equal rank; he therefore entered upon terms for his release; and it was agreed that 1,040 men should be given for his ransom. This, he said, he regarded as a fair estimate; it was taking a quantity of silver for a piece of gold, and it was an honest exchange. It happened, however, that ministers had contrived to render the proposed exchange impracticable, and that by this means. There were a number of men, who surrendered on capitulation to the British arms at the Cedars early in the war. That capitulation Congress refused to ratify, and in every exchange of prisoners that had taken place since, had uniformly put the Cedar men aside, regarding them as so many Birmingham halfpence, and refusing to acknowledge them other than as base metal and coin of no value. The commander in chief persevered in his offer of those men in part of the 1,040; and Congress persevered in refusing them; so that no release having taken place, and no release being intended probably on our side, as such men were offered, the consequence that must ensue was, that general Burgoyne must in discharge of his parole, return to captivity, if something should not be done to prevent it. This state of facts coming to his (Mr. Burke's) ears, he resolved to try what he might possibly effect by private friendship: he therefore wrote over to Dr. Franklin upon the subject, resuming in a distant manner a correspondence which had been interrupted by necessity, not choice; requesting that he would use his credit with Congress to make them desist from their requisition that general Burgoyne should return to America. The doctor soon answered the letter, in which he observed, that "since the foolish part of mankind could not settle their disputes without wars, it was the duty of the wise part of mankind to use their endeavours to alleviate those misfortunes that attend wars." After several compliments personal to Mr. Burke, and which that

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gentleman, in reading the letter, passed over, he acquainted him, that he had not heard of the order of Congress, for general Washington to summon general Burgoyne to return to America; but he was of opinion, that if any such order had been issued, it was in retaliation for the British minister's refusal to release Mr. Laurens. He then informed Mr. Burke, that before he had closed his letter, he had received dispatches from Philadelphia, with a resolution of Congress of the 10th of June last, authorising him to exchange general Burgoyne for Mr. Laurens; and the doctor saying that he had no communication with the ministers of the court of St. James's, requested that Mr. Burke would negociate the business for the common sake of the general and Mr. Laurens.

He gladly undertook the business; waited on some of the friends of ministers; but was surprised to get for answer to his proposal, that general Burgoyne was actually exchanged, and of course no longer a prisoner. This information surprised him indeed, because it was false, and must be false; as it was not possible, that Congress having resolved that general Burgoyne should be exchanged for Mr. Laurens, should enter upon any treaty for his release, till they should first learn what had been the issue of their commission on that head to Dr. Franklin. It was therefore only sporting with the feelings and misfortunes of that general, to say that he was exchanged: the cruelty of ministers in first ordering him to America, and persisting in that order till they had stripped him of every military honour and reward of his services, except his rank of lieutenant-general, could be equalled only by their barbarity in leaving him now exposed to the mercy of Congress, by refusing to exchange him: for it was refusing to exchange him when such men were offered in exchange as it was well known the Congress would not take. Mr. Burke then stated the cause of the dislike ministers had to general Burgoyne to be, that he had exposed the absurdity of all their reasonings upon the number and fidelity of the friends to this country in America; for this he had been persecuted; for this he had been denied a court-martial; for this he had been denied every means of vindication, till in that House, by irrefragable testimony of the first men among the nobility of this country, and of its first military characters, he had established his reputation; and for his own part, he looked upon general Burgoyne as one of the most able, if not the most able officer in our service. He said, he hoped ministers would now take care how they should discover their disposition, if they should offer to exchange lord Cornwallis, also a lieutenant-general, for Mr. Laurens, having refused to do it for general Burgoyne. He concluded by giving notice, that after the recess, he would move for leave to bring in a Bill to regulate the future exchange of prisoners of war.

General *Burgoyne* said, the first thing the House would naturally expect from him, if after the various ill usage he had received they ascribed to him the possession of a human heart at all, would be to return his best and sincerest thanks to the hon. gentleman who had spoken before him. Gratitude, he said, did not come up to the true magnitude of the feelings he experienced towards him, and he reverenced him the more, because he knew the real source of his attachment to proceed principally from a generous concern for the unfortunate, and a disinterested feeling for the oppressed and persecuted. He considered the friendship of the hon. gentleman as the greatest blessing, as well as the greatest honour that had ever happened to him in life. The general now proceeded to inform the House, that he had a motion to propose to them respecting the exchange of prisoners, from which he hoped to derive a certain knowledge from what quarter it proceeded, or to what cause it was owing that he had remained the last, and the only one of all the army that surrendered at Saratoga who had not been included in the exchange of prisoners, and restored to liberty. It was an injustice beyond all example, that every officer, and every man in the army, should have received the valuable privilege of freedom, yet he alone, who was commander in chief on that occasion, continued to this day a prisoner. With respect to the Cedars men, ministry were fully possessed of the resolution of Congress with regard to them. They had declared that they never would ratify that treaty, and therefore to propose them in exchange for him, was calculated as it should seem to delay or prevent it. If government had any reason to distinguish him from the rest, as indeed they had sufficiently done in other respects by pre-eminence in suffering, if they considered him as so far excluded by personal misconduct from the general privileges, why did they not proceed far-

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ther into the causes of this misconduct, and punish it with still greater severity. They ought either to have waited for conviction before punishment, or to have relinquished the design of punishing him. The punishment ought to have been more severe, or not at all. Since the negociation with Congress for the exchange of the prisoners, he had never been once in the consideration of government till very lately, and the last proposal had been protracted and neglected. It might be asked, perhaps, by some of his friends, why, in the space of many years, since 1778, he had never solicited for exchange. He had two reasons. The first was, as he had resigned his commission, he thought it possible, and probable, that his interference for personal liberty might prevent the exchange of some other officer of rank, who might not be equally precluded, by the adversity of his fortune, from serving his country again in the same war, and who might be more able to do it than himself. The second was, that he was determined to submit to any destiny, to the chance of being recalled to America, and to be doomed to rot and die in a dungeon, than condescend to request a favour of a set of men who had heaped such a complication of oppression upon him, who had refused him the opportunity of justifying his character to the world by the only means in which a military man can receive a perfect justification, by a court-martial; who had poisoned his reputation by private calumny, and used him with every possible persecution, and every possible indignity. These were the reasons of his never having solicited their interposition on his account. At present, he felt something for the character of his country from such unexampled proceedings, and he also felt a little for the precarious fate of other commanders. A noble lord was every day expected, whose panegyric was continually pronounced in the warmest language by gentlemen on the other side of the House, and whom he in his heart believed to deserve it all, who might very soon be reduced to a similar situation with himself. If he found it necessary for the preservation of his character, to confront the ministry, and to speak one little word of unwelcome truth, then might he, like himself, bid adieu to all hopes of patronage, and be left to bustle for his power and his own freedom as he could. He concluded with moving, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this House, copies of all correspondence between his Majesty's secretaries of state, or the secretary at war, and the commanders in chief, or commissaries for exchange of prisoners in North America, respecting the exchange or release of prisoners, since the 1st day of January 1778."

Lord *Newhaven* animadverted particularly on what had fallen from Mr. Burke, respecting Mr. Laurens. He said, he had the other day conversed with the lieutenant-governor of the Tower, and had inquired of him, what were the real sentiments of Mr. Laurens, as to the treatment he had received; the governor informed him, that the prisoner had professed in the strongest manner to him, that no humanity or civility could exceed that which had been exercised towards him during his confinement, and that he felt the utmost gratitude for it; this, his lordship said, was not above three days ago. He then commented upon the circumstance of Mr. Burke's having read a letter from Dr. Franklin in that House. Good God! said he, can I believe my ears! do not my senses deceive me! is it possible a member of this House, a British legislator, can undertake not only to acknowledge his correspondence with Dr. Franklin, an open and avowed rebel, but be daring enough to read the contents of this correspondence in his seat before the second assembly in the kingdom! This, wonderful as it was, did not constitute the climax of the hon. gentleman's conduct; he had proceeded farther; he had actually gone with this letter to the very members of the administration, and shewed it, and avowed it. For his part, had he entered into any such correspondence, he should have supposed his inevitable fate would have been, his being taken into custody, and sent to keep company with Mr. Laurens in the Tower. He was satisfied there was no real cause of complaint on the score of improper treatment of Mr. Laurens; the lieutenant-governor of the Tower had desired him to assure the House as much; he had promised he would do so, and had now performed his promise.

Lord *G. Germain* had not the least objection to the motion. As to the affair of Mr. Laurens, he knew of no ill-treatment that he had suffered; and he had in his hand a letter, dated November 1780, in which that gentleman returned thanks for

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the indulgence he experienced, for the place of his confinement, and the liberty with which he had been indulged to walk about, by which he had greatly recovered from his infirmities.

Lord *North* said, the letter read by his noble friend was a proof that the charges brought against ministers were ill-founded; he thought the hon. member rather a little wanting in candour as well as regularity, to enter so largely into an accusation of ministers, when he was only giving notice of a motion; however, as all the hon. member had said rested upon his own assertion, he would meet him with just as good authority, another assertion, and declare, that the charge of ill treatment towards Mr. Laurens was without any foundation in truth.

Mr. *Fox* said he did not know what might be called ill-treatment by that House; but he would pledge himself for the truth of all that had been advanced respecting Mr. Laurens; and he was the more ready to do so, because from his own knowledge, he could vouch for the truth of all the facts that he had stated. With respect to the hon. general, he would say that he was sure it was not possible that he could have been exchanged; and he was sure of it, from the circumstance of the resolution of Congress, empowering Dr. Franklin to offer him in exchange for Mr. Laurens. As to the prisoners made at the Cedars, he thought we had a very good right to insist upon our claim to them; but he would say ministers had acted with shameful partiality, if they had desisted from this claim in favour of some officers, and persevered in it when others were concerned.

Mr. *Burke*, alluding to what lord Newhaven had said about being sent to the Tower, said, he was not rich enough to occupy apartments in the Tower; such a prison was better adapted to the rank and fortune of the noble lord; however, if in the Tower he could enjoy the company of such men as Mr. Laurens and Dr. Franklin, he should not at all regret being shut up from the company of the noble lord.

The motion was then agreed to.

Debate in the Lords on the Conduct of the Admiralty with regard to Admiral Kempenfeldt's unsuccessful Expedition, &c.] Dec. 19. On the order of the day for the third reading of the Land and Malt Bills,

The Marquis of *Rockingham* rose. He said, that he came that day to the House without consulting any person whatever, and in a thorough persuasion that he should probably not meet with a single person who would unite in opinion with him; but he was neither to be deterred from a faithful discharge of his duty by superior numbers, nor disheartened by a thin attendance of his friends; though all circumstances considered, he could not call it a thin attendance, where there was not the most distant prospect of any attendance at all being necessary; for it was an accident, he must fairly confess, which delayed him in town, and a recent accident, or public misfortune, which probably directed his steps down to that House that day. He then entered into a concise, yet comprehensive state of the nation, the enormous burdens, fall of rents, decreased value of lands, and increasing poors-rates. But these were nothing, when compared with the various calamities which accompanied them: the pride, the spirit, the perseverance, the unconquerable resolution of Englishmen were able to surmount those difficulties, and to feel them as light and trifling, while the means they were wont to have recourse to were at hand, obedient to their call. The trade and commerce of Great Britain was unbounded, and was limited by no other impediment but what terminated the ocean, nay the globe itself. But, was that the case now? Was she that great, that powerful, that honoured, and revered nation? No; if he had undertaken, and had had the ability to perform the task of drawing a strong reverse of every feature he had been endeavouring to delineate of Britain in the year 1781, compared with Britain in the year 1763, and several years subsequent to that period, she would be found, alas! the ruined, deserted, despised, debilitated Britain, the prey of her foes, and the contempt of the surrounding nations. Where was her commerce? It was carried on by chance and stealth. Where were her fleets? She had none, or whenever they appeared they sought safety in retreat, and served only to add fresh laurels to our enemies. Where were her armies? Captured, or more than one half of them existing upon paper, on the table of the House of Commons. But he was disgusted and mortified by contemplating the picture; nor should he now have troubled their lordships upon so beaten a subject, had not the British flag been tarnished almost in the mouth of the

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Channel. Such being the general state of public affairs when the third reading of the Money-bill was announced from the woolsack, he thought it his indispensable duty to rise and oppose the granting any further supplies, till the sense of that House was taken: he meant when, upon notice given to the noble members who composed that assembly, their lordships, acquainted with the circumstances of Mr. Kempenfeldt's retreat, might judge how far it would be prudent any longer to entrust men, whose gross misconduct was every day the cause of accumulating fresh misfortunes, and laying the foundation for a succession of the same, till the doom of this devoted country should be finally pronounced. Upon this idea he should move, that instead of the word "now," "the said Bill be read a third time the first day after the recess."—Noble lords might, perhaps, call for explanation, and desire to be informed of the particulars which he had alluded to in his speech. To any question of this kind, he had, he presumed, a satisfactory answer to give. He relied upon the authority of the Gazette for admiral Kempenfeldt's being on his return to England, and for aught he knew, at that instant in the Channel, or arrived at Portsmouth. It was true there were no specific particulars stated, but there were enough to authorise this conclusion; that that gallant officer, after commencing an action with the enemy, found himself deceived, and in the same spirit of prudence and gallantry which led him to battle, desisted, when he perceived that there was such a superiority against him, as precluded the most distant hopes of a prosperous issue. The narrative might be comprised within a very narrow compass. The admiralty, or cabinet, having determined to prevent the Brest fleet from sailing, sent out a squadron of twelve sail of the line to effect that purpose. They went accordingly, and soon came up with the enemy, and captured a great number of their transports, with troops on board. What next? In endeavouring to capture the rest, the enemy appeared, and both parties prepared for an engagement; indeed, it had actually commenced, but before the line of battle could be formed, so as to render the action general and decisive, what was the scene that presented itself? the whole of the enemy's squadron manœuvring, and composed of 19 ships of the line, four of which were of 110 guns, while the first, the Royal Louis, which bore the admiral's flag, carried 112 guns, of a weight of metal, number of men, and possessing other advantages, which would have rendered it extremely hazardous for either of our first rates to lie alongside her. His lordship having explained these particulars in very pointed terms, made a pause, and with a strong emphasis wished, he said, to know the source of all our misfortunes. Was it in the cabinet, or were ministers but cyphers? Why then, in God's name, change them. If, not, did the fault originate in a private, documented, chosen cabinet, who employed the ostensible ones merely to carry their plans of madness and bloody ambition into execution? It might be answered, there was no such private council. What, then, would become of the last possible question? Was the ruin of the nation finally resolved upon by a knot composed of three or four individuals, who, acting as a grand momentum, set the whole in motion? Be it so, or be it any of them, if the cause was once fairly ascertained, he made no doubt but the good sense of the people of England would prove more than a match for any such wicked, unconstitutional combination of power, however dark, intricate, and complicated; but so long as the authors and supporters of this nefarious system had the power to impose upon the people, and the knack of shifting the responsibility from one to another, it was in vain to contend, unless by the rapidity of their desperate councils, they should draw that deserved destruction on their own heads, which justice ought to have long since inflicted upon them by the public judgment of their fellow citizens. Ministers, sinking like the falling school-boy, were glad to catch at a twig, if it were only in hopes of procrastinating a fall, which, incapable and regardless of every consequence as they had shewn themselves, they at length perceived was inevitable; as a proof of which, nothing more was necessary to be adduced than their ludicrous or rather insulting introduction of our successes in India into the Speech from the throne. He had, perhaps, through the communication of a friend, full as recent and as genuine an account of the real state of the British affairs in that quarter of the globe as the minister, or ministers who framed that passage in the Speech; and he could affirm, in the face of his Majesty's cabinet counsellors then present, and he could likewise foretel, that not one of them dare rise and

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contradict him; that sir Eyre Coote acted the part of a vigilant, cautious, and in the instance alluded to, of a judicious commander, who having a force composed of some hundred thousands to contend with, had kept the enemy at bay, if he might borrow the sportsman's phrase, and never failed to improve every opportunity to make this sort of barbarians feel at once what they had often felt before, the superior skill and discipline of the British arms. In truth, sir Eyre Coote had no army: he had an handful of men, which he was necessitated to employ in detachments, &c. After several pointed observations of a like tendency, his lordship once more begged leave to submit his proposition to the House, and seriously recommend it to the independent lords present, as the only means of effecting the removal of the present ministry.

Viscount *Stormont* said he heard the noble marquis with pleasure upon almost every subject his lordship thought fit to deliver his opinions. There was a polished decorum and manliness of sentiment so strongly mixed in all his lordship's discourses, which, although upon certain political subjects they did not coincide with his own, yet never failed to make an impression upon his own mind, sufficient to command that deference which was justly due to his lordship.—He said he did not rise to enter into a controversy with the noble marquis about the real state of the nation; the unwise, or worse conduct of ministers; the extent of the evils which we felt, or the greater which were predicted, that would befal us. He did not rise to defend or condemn the measures or execution of the American war, or to determine how far any of his Majesty's ministers may have acted criminally or injudiciously, respecting the recent affair the noble lord so often alluded to. These were fit subjects, perhaps, to be discussed on some future day; they were not now before the House. The real question was merely this: whether a Bill of Supply, which had unanimously passed the other House, should be read a third time; since which the noble marquis moved an amendment, that instead of the word 'now,' should be inserted "the first day after the recess." This he looked upon to all intents and purposes to amount to a direct negative, as to all the substantial ends proposed by a Bill of Supply; because it would, if agreed to, suspend every power, and with them of course all the effective operations of government. The fleets and armies now in our ports, destined for various quarters of the world, must be locked up until this political interdict should be taken off; for although much might be hazarded by ministers, if the House should determine that no money should be issued for a certain period, he was unacquainted with the men, who would have sufficient confidence to take upon them the expenditure of money, the approbation or disapprobation of which would depend upon the future opinions of parliament.—The noble marquis, among other very strong accusations against ministers, charged them with supineness, with neglect, with incapability; and as the only specific for the evils they had brought on their country, said, that nothing but spirit, unanimity, vigorous exertions, and the most animated attempts, could possibly retrieve our affairs. It was true, his lordship did not promise success, but only hoped, that our affairs might be put upon a respectable footing. Yet while he was in the very act of recommending and suggesting, in the most forcible and pathetic terms, the necessity of vigorous exertions; his lordship, by his motion, was for suspending all exertions whatever. This being the plain result of the argument used by the noble marquis, he flattered himself that noble lords would agree with him, that it was extremely unnecessary to resort to arguments in detail, to persuade them to refuse their consent to the amendment. He should therefore move the order of the day.

The Duke of *Chandos* approved of the motion of the noble marquis, and rose to second it. He assured their lordships, that he had no communication or concern whatever with the noble lord. He could not help declaring the satisfaction he felt, in these degenerate times, to behold a nobleman attend his duty in that House, not attended with a troop of followers and partizans, encircled with friends and powerful orators, to oppose the measures of government, but silently stealing down to discharge his duty as a loyal subject, in order to oppose the invincible power of an host of adversaries, supported by all the strength of government.—He heartily agreed with the noble marquis in every sentiment he had delivered. He thought the motion not only proper, but the only one, in the present state of things, which could save us, or at least

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procrastinate our fall. Who would trust such men with a single shilling of the public treasure? He would not. They had deceived, misled, and ruined the nation already. If any noble lord was for again trying the experiment, he was not that man. What! trust in the hands of the present set of ministers the annual parliamentary supply, the only check which the legislature had reserved to itself! In order, he presumed, for he could discover no other reason, to enable them to do more mischief! But even if the evil stopped here it might be borne; but it would not, for they would have it in their power, before their plan of absolute destruction should be accomplished, to follow each successive day, ministerial infamy with public disgrace.—The noble marquis, after describing the immediate dishonour attending our late retreat from the enemy off Brest, drew those fair and rational conclusions which the nature of the public information he had received, well bore him out in: 3,000 men, his lordship observed, were intended for the East Indies, whither, after they had passed Cape Finisterre, they could meet with no interruption. A certain number of the great ships was intended to augment the Spanish squadron at Cadiz, which would constitute a force more than sufficient to shut out the British fleet, if there was any intention of that kind, from relieving our fortresses in the Mediterranean. But the principal motive which induced him to mention this distribution of force, was an expression which fell from the noble marquis, that the retreat of admiral Kempenfeldt would be the means of the loss of the remainder of the West India islands. In this he would anticipate the fears of the noble lord, for he was perfectly convinced, that business would be performed to their hand. He had himself a considerable property in Jamaica, and he had received a letter of a very recent date, from an opulent and respectable inhabitant of that island, informing him, that he waited only for a French force to appear before it to surrender. It was totally defenceless in every respect, and must fall a prey to the first invader, no matter how insignificant.

The Earl of *Westmoreland* declared the present motion to be as extraordinary a one as had ever been made, and he believed neither the noble marquis, nor the noble duke, could shew him a single precedent for it. He begged their lordships to recollect, that at the Revolution, all the public revenues had been alienated from the crown, and that a bargain had been made between the crown and parliament, for the latter to allow a certain annuity to the former, and also to grant from time to time such supplies as were necessary for supporting government and defending the kingdom. Hence some supply parliament was bound to grant; and it was very singular, when the occasions of the state were allowed on all hands to be most pressing, it should be argued as wise and necessary to withhold the supplies: putting a stop to the armaments for the West and East Indies, and all other essential services, would complete the ruin of the state. The marquis entertained one opinion of ministers, he entertained a different one; and if the supplies were withheld till the noble marquis and his friends had settled an administration, he feared they would be withheld altogether, as it was obvious the marquis and his friends held very contradictory opinions on that head. A particular party in this country and the French ministers agreed perfectly in one point, that was, to traduce the present ministers, to weaken, their efforts, to frustrate their plans, to impede their operations, to defeat the execution of them, and to prevent the merited success of their measures. He concluded against the marquis's amendment.

The Marquis of *Rockingham* rose a second time; the noble viscount had charged him with wanting to stop the exertions of his Majesty's ministers: so far from that, it was their want of exertion he complained of. Had they not wanted exertion, would admiral Kempenfeldt have been sent with 12 ships to fight 19? It had been declared by a lord of the Admiralty (Mulgrave) that our navy not only was inferior to that of the House of Bourbon, but that it never could be otherwise. How did this melancholy assertion agree with the declaration of the first lord of the Admiralty a session or two ago, "That a first lord of the Admiralty deserved to lose his head, if he did not at all times take care to have a navy fit to face that of the House of Bourbon." Was that the case now? The recent affair of admiral Kempenfeldt was but one addition to the many proofs of our inferiority, that we had seen and lamented. He had no intention to stop the supplies altogether, his motion expressly mentioned, till

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the first day after the recess, and the House might only adjourn for ten days if they chose it. Where was the peace with Holland? He feared the Dutch would not treat with administration. Where were our allies? He knew there was a policy in Russia that dictated friendship to Great Britain. He should be happy to find the rumour of a treaty in that quarter authentic. But ministers could neither continue the war, nor make peace. He believed neither France, Spain, nor America would treat with them.

The Earl of *Sandwich* said the noble marquis had imputed words to him that never came out of his mouth. He had repeatedly explained the declaration made in a debate five or six years ago. It had been mis-stated in both Houses, and without doors, just as persons had found it most convenient for their purposes. What he had said was this, "That it ought ever to be an object with government to keep the navy on as respectable a footing as possible, and to make it equal in Europe to the navy of Bourbon, whenever it could be done." Admiral Kempenfeldt had taken from 15 to 20 transports laden with stores, ammunition, brass ordnance, and troops, which he thought a very important circumstance. The manœuvres of that admiral had done him infinite honour, and proved him to be what every man in the navy had long believed him to be, an officer of great skill, great courage, and great judgment. With regard to the French having 19 ships to our 12, from information he had received, he was persuaded that over night they had no more than 13 or 14 sail, but that they had been reinforced in the night with five sail of heavy ships; had that circumstance not occurred, our success would have been more complete. He hoped no blame would be imputed to admiral Kempenfeldt or any other officer. His lordship was for reading the Land-tax Bill a third time.

The Marquis of *Rockingham* desired it might not go out into the world, that he had imputed the smallest degree of blame to admiral Kempenfeldt. He knew him to be an able officer, but he censured the Admiralty for not having put it in the power of that deserving commander to have rendered the event more successful. With regard to the notorious declaration of the first lord of the Admiralty, it was extraordinary, that every time the noble earl explained it, he gave it a new and a different turn. For example the two small words, "in Europe," he had never heard before. But even in that respect, was not admiral Kempenfeldt inferior in Europe? Other instances of inferiority in Europe might be adduced, therefore the noble lord had not much mended the affair by this last alteration.

The Earl of *Sandwich* complained that it was unparliamentary at all times to recur to words uttered five years ago, and in the present case particularly unjustifiable, because the noble marquis would not allow him to explain his own meaning. He begged their lordships to recollect, that what would have been wise to have said five years ago, might be the reverse now, and *vice versa*. The words appeared to him to be warrantable at the time, but perhaps they would be injudicious at the present moment. The war had been in a great measure a war of detachment, and considering the variety of pressing calls on the service, every thing had been done for the defence of the country and the annoyance of the enemy that was practicable.

The Bill was read a third time without any division.

Petition from Mr. Laurens presented by Mr. Burke.] Dec. 20. Mr. *Burke* rose to move for leave to present a petition from Mr. Henry Laurens. This he prefaced with some pertinent replies to what had been suggested from the opposite part of the House, in respect to agreeing to an inquiry being entered into relative to his correspondence with Dr. Franklin, whenever an inquiry should be made respecting the first lord of the Admiralty. With great humour and pleasantry he observed, that, however his conduct might call for an inquiry, on account of his correspondence with Dr. Franklin being deemed misprision of treason, he could not suppose it would be considered of that national consequence with what was then immediately before the House; his correspondence with Dr. Franklin could not produce such fatal calamities as attended the misconduct of the naval department. However that might be, he promised that no papers whatever should be withheld from the inspection of the House, at any time they should think proper to demand them. He wished this might be as minutely granted by the first lord of the Admiralty. He then read the petition, and moved for leave to bring it up. This

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being complied with, and the petition read by the clerk, he moved that it should lie on the table.

Lord *North* said, that however Mr. Laurens had there stated the complaint of unparalleled rigour being shewn him in confinement, he believed there was no foundation for such a complaint. Indeed, he might think it rigorous to be at all confined. In respect to his enlargement, it was true, an indirect application had been made to him, which he did not receive till last night; so that it was impossible to grant him that relief which his languid situation might require. There must be a proper time to consider on the means, and its necessity. But as the hon. gentleman had pledged himself to prove the truth of this rigour, he should defer saying much more on that particular, until the inquiry was made. It might be necessary to have the warden of the Tower before that House. It would then appear whether Mr. Laurens had not informed him that he was perfectly satisfied with the treatment he had received. The hon. gentleman had particularly complained of the cruel and impolitic treatment of Mr. Laurens. He did not know how they were to act if the laws were not to be the standard of their actions. Before the hon. gentleman could condemn the conduct of ministry in this particular, it was necessary to prove, wherein they had acted contrary to the laws.

Mr. *Burke* said, that the noble lord was not such a child as to suppose he would enter into an inquiry how far the proceedings in the Tower were justifiable. He should not enter into the rigorous proceedings of that disgraceful prison, nor should he consider how far they were to be countenanced by law. He should only consider how far that power was extended beyond the line of prudence and humanity. In respect to his having pledged himself to the House to prove every particular complaint of Mr. Laurens' treatment, did the noble lord imagine he meant to attempt what was in itself so impracticable? No. He could not pretend to prove every particular of rigorous proceeding within those walls. It was impossible. He therefore wished it might be understood, that all he meant was, whatever had been alledged before, or set forth in that petition, then lying on the table, he would bring such evidence as should testify the authenticity of the whole. Nothing had been advanced respecting Mr. Laurens, either by himself or others, but what vouchers should be brought in vindication of its truth. The noble lord had said, that before he reprobated the conduct of ministry, in being cruel and impolitic in their treatment of Mr. Laurens, it was necessary to prove wherein they had departed from the tenor of the laws. Thus far he must differ in opinion with the noble lord. One part of what he had alledged, was by the presentation of that petition brought to issue. He had been accused of representing circumstances of harsh, impolitic measures in respect to Mr. Laurens, which were absolutely false. It was said that he himself would not complain of such treatment. For he had declared to others, of his perfect satisfaction in his confinement as a prisoner. This declaration was now brought to issue. Mr. Laurens had himself complained in such a manner, as proved this assertion to be false, and what he had before asserted of his usage to be true. Therefore nothing now remained, but to prove the bad policy of using the president of the American congress with such uncommon severity. The noble lord had sought refuge for his conduct in the sanctuary of the laws. But surely he knew better than to apply this to his present conduct. He was a logician, and could perceive the difference between the justifying an action necessarily lawful, and absolutely impolitic, although sanctified by that authority. A matter might be lawful, but not, therefore, expedient. There was a material distinction. Supposing the noble lord had a mine which produced him an immense income, that the management of this mine depended on the sole governance of one man who might owe him 10*l.* would the noble lord consider it policy in him to arrest this man? Lawful it certainly was. But would he prove it expedient? He certainly would not, unless he chose to suffer the destruction, perhaps the annihilation of his possession.

Lord *North* observed the hon. gentleman had said, that of the several points, one was already brought to issue. He begged leave to differ in opinion. All that could be said in its favour was, that Mr. Laurens had really complained of very severe and unprecedented hardships, arising from the mode and nature of his present confinement. The truth of it still remained to be proved. For from what had already appeared before that House, there was as strong a presumption to credit the lenity

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as the rigour of his situation. Until either of these were proved to be true or false, neither of the contraries could properly be said to be at issue. In regard to the bad policy of confining Mr. Laurens as a prisoner of state, instead of a prisoner of war, the hon. gentleman had related a circumstance of arresting a necessary servant for 10*l*. He would aver there was no similarity in the circumstances. The necessity of the one was dispensible, the other indispensible. Mr. Laurens was confined from the requisition of law and circumstances.

Mr. *Mansfield* said, there was no possibility of committing Mr. Laurens, but under the denomination of a state prisoner: for if we had treated him as a prisoner of war, he would long ere this have been in full enjoyment of his liberty. Would not this have been impolitic, to have placed him in the possession of that for which he is now confined. It was therefore not only lawful, but necessary, to confine him as a criminal: so that, notwithstanding what the hon. gentleman had said in regard to the necessity for the noble lord renewing annually an act in support of Mr. Laurens' confinement, it was quite otherwise. There was no such necessity. Policy, law, and justice united in confining Mr. Laurens as a prisoner of state, and not a prisoner of war.

The Petition was ordered to lie on the table. The following is a copy thereof:

To the Right Hon. Charles Wolfran Cornwall, Speaker, and the Hon. the House of Commons. The Representation and Prayer of Henry Laurens, a native of South Carolina, some time recognized by the British Commissioners in America, by the style and title of his Excellency Henry Laurens, President of Congress, now a close prisoner in the Tower of London,

"Most respectfully sheweth,

"That your representer for many years, at the peril of his life and fortune, evidently laboured to preserve and strengthen the ancient friendship between Great-Britain and the Colonies; and that in no instance he ever excited, on either side, the dissentions which separated them.—That the commencement of the present war was a subject of great grief to him, in as much as he foresaw and foretold, in letters now extant, the distresses which both countries experience at this day.—That in the rise and progress of the war, he extended every act of kindness in his power to persons called Loyalists and Quietists, as well as to British prisoners of war; very ample proofs of which he can produce.—That he was captured on the American coast, first landed upon American ground, where he saw exchange of British and American prisoners in a course of negotiation; and that such exchange and enlargements upon parole are mutually and daily practised in America.—That he was committed to the Tower on the 6th of October, 1780, being then dangerously ill; that in the mean time he has, in many respects, particularly by being deprived (with very little exception) of the visits and consolations of his children, and other relations and friends, suffered under a degree of rigour almost, if not altogether, unexampled in modern British history.—That from long confinement, and the want of proper exercise, and other obvious causes, his bodily health is greatly impaired, and that he is now in a languishing state; and, therefore, your representer humbly prays your honours will condescend to take his case into consideration; and, under proper conditions and restrictions, grant him enlargement, or such other relief, as to the wisdom and benignity of your honours shall seem fitting.

"HENRY LAURENS."

"Tower of London, Dec. 1, 1781."

1782.

Debate in the Commons on Mr. Fox's Motion for an Enquiry into the Causes of the Want of Success of the British Navy.] January 24. In pursuance of the notice he had given,

Mr. *Fox* rose to move for an enquiry into the causes of the want of success of his Majesty's naval forces during this war, and more particularly in the year 1781. He began with saying, that he was perfectly convinced of the difficulty of the undertaking, and also of the general impropriety of instituting an inquiry into the conduct of men intrusted with the powers and influence of government. It was always ineligible, and at times dangerous; for the men, entrusted with the powers of the administration, had it in their power to rise superior to the impotence of inquiry, however just; and by means of the influence and the strength of office were able to crush the efforts of those who endeavoured to expose their misconduct. Gentlemen were therefore averse from the

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institution of inquiries, and they were seldom made, because they were seldom productive of advantage to the public. In such an inquiry the evidence was in the hands of the persons accused; they had it in their power to manage it as they pleased, and without the evidence of office, it was not to be expected that any benefit could arise from inquiry. That influence therefore, exerted in favour of a minister to be accused, ought to deter any man from accusing a person so shielded, so protected. But of all the ministers in the cabinet there was not one more formidable, perhaps not one so formidable from influence, as the earl of Sandwich: his situation gave him the influence of a whole profession; as a cabinet minister, he of course would find himself supported by the influence of his colleagues; but the noble earl had, independent of these two sources of influence, another, which though not equal to that of the crown, was a powerful addition to it; and with it, sufficient to crush any member who should bring charges against him: this influence he derived from the East-India Company.

It was easy then to foresee that he was about to undertake an arduous task indeed. But with all this he was ready and prepared to encounter in this case; at the same time that he was convinced that this was not the way which, in more virtuous and vigorous times, a subject of this sort would be taken up. He was convinced that, as a prelude to an inquiry, he ought to move for an Address to the King, to remove the earl of Sandwich from his councils. If there was nerve, honesty, and independence in that House, that would be the mode in which they would set about this business; but the evil effects of that influence which he had mentioned were, that they had poisoned the understanding as well as the heart of that House. Gentlemen forgot what was right and necessary, and adopted, with their eyes open, what was wrong and nugatory: such was the habit of that House, that it would be an idle attempt to endeavour to convince them that there was a manifest and an essential distinction between a motion of removal, and an implication of censure. Gentlemen had adopted an idea, that to move for an address to remove a minister, was to act unfairly; that it was to condemn a servant of the public unheard, and to proceed to pass sentence without allowing him to make his own defence. Nothing could be more absurd, more false, and more foolish than this idea; but he wondered not that it prevailed, for ministers entertained the same idea themselves. Being men of less property than official emolument; for such now were the extravagant incomes of placemen, that their salaries and douceurs must be superior to their private estates; they clung to their offices, and considered them as so rich and valuable that at last they blended them with inheritance, and looked upon them as sacred franchises, in the possession of which they were secured by the law of the land.

The contrary of this the hon. gentleman particularly insisted upon. In his opinion, there was no occasion to criminate a minister, in order to address the throne for his removal from office. It was sufficient that he was incapable, or unfortunate, or disliked. Either of these cases were enough to warrant an address to the sovereign for his removal, in which there was perhaps nothing dishonourable, and in which, there was frequently something very much to the credit of the minister removed. The parliament had at all times an undoubted right to request that any servant of the crown might be discontinued merely upon disliking him, it was by no means unreasonable. Had a minister a right to his place for life, as to a frechold? or was he only a servant of the public? If he was their servant, why should the public have less power over their servants than private individuals had over those domestics whom they paid for their services? If the public thought proper not to employ their servants any longer, had they not a right to dismiss them, without incurring the charge of injustice? Undoubtedly they possessed this right; and whoever should urge that it would be unjust to exercise it, must necessarily deny the right itself.

He would go farther however, and contend, that not only it would not be unjust, but that in many cases, as in the present, it would be expedient to exercise this right; for the moment a minister ceases to enjoy the confidence of the public, that moment he ought to be removed; nay, though he should be a meritorious servant, and an able minister; for in every government, there must be a confidence reposed in the servants of the crown by the people; or else the business of the state can never be carried on with any degree of success: and though the people should be whimsical and capricious in their dislike of any

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minister, yet it never could be consonant to sound policy to keep him in office against the opinion and wishes of the people. The public had long since withdrawn their confidence from lord Sandwich, (if he indeed ever had been honoured with it), and therefore for this reason alone, if not one of the thousand others he could urge, he ought to be removed: he trusted, therefore, that he should hear no more of the injustice and hardship of removing a minister, without having first given him a fair trial.

Holding it, therefore, as a general principle of policy, that a motion of removal was the proper step to be taken, and prudentially deeming an inquiry, as he had already declared, to be not the most fit measure to be taken with a minister while in place; such was the situation of affairs, and such the late misconduct and ill success of our naval force, that he felt himself obliged, under all the difficulties, the obvious difficulties that would attend his endeavours, to be himself the mover of an inquiry into the conduct of the earl of Sandwich. Thus knowing and avowing what was right, he was about to do what he had declared to be wrong, at least wrong in some degree. From what the noble lord in the blue ribbon had said before the recess, when gentlemen talked of the first lord of the Admiralty, "that they could only accuse him before the inquiry, but would not charge him with the same crimes afterwards," it would be expected, that the noble lord should himself be the first man to bring on the inquiry. It was very true that he ought to do so. But he was not displeased that he had not done it, for if it had been taken up by that noble lord, he should have believed that it would be conducted, as every thing was conducted which he took in hand, with fraud or imbecility; and that it would be calculated either to do nothing, or to do mischief. There was, however, one thing which would be naturally expected from the noble lord, after so much boasting and gallantry; that he should give to the House the means of a full and fair investigation of the conduct of the Admiralty. If he denied the necessary intelligence; if he withheld papers and starved the trial; the House would then say, that he, and not the persons who attacked lord Sandwich, hazarded expressions which he could not prove, and was bolder in giving the challenge than in fighting the battle.

It had been said of the opposition, and it was a charge of which they must clear themselves, that they brought on the inquiry, in order to preserve the earl of Sandwich in his place; for that if the opposition had not strove to turn him out, he would have been so long before this time. This was a very curious charge. They had been said to be in league with Dr. Franklin, with the Americans, and even with the French and Spaniards. They were charged with having contributed to the independence of America; but all this was nothing in comparison with the charge which was now alledged against them; that they were in league with the arch-enemy who had robbed us of so much valuable dominion—the dominion of the ocean. Better would it be for Great Britain were they to have supported America, France, Spain, and Holland, than to have linked with the present ministry, without whose uniform aid Dr. Franklin might have been wise, general Washington brave, Maurepas, De Sartine, and M. de Castres, vigilant, crafty, and politic, America firm, the House of Bourbon full of resources, of vigour and of energy, and Holland proved a powerful ally to the House of Bourbon in vain! The hon. gentleman spoke particularly to this point. It was said, not by the gentlemen with whom he had the honour to act, but by the very men, who, in case of a division, would vote in favour of the earl of Sandwich, that there was an obstinacy somewhere, that would oppose whatever was undertaken or suggested by the gentlemen in opposition: that lord Sandwich would have been turned out of place, had not opposition desired it; and that whatever plan was in agitation, if it were a wise one, and approved of by that side of the House, it would be instantly altered; if it was a bad one, and condemned, it would be persevered in, and executed. He could not tell whether there was such a spirit of obstinacy in existence or not; but he knew that those men, who in their hearts desired to see the earl of Sandwich out of place, and who sincerely thought him incapable of holding it with honour, or even with safety to his country, and yet came down to the House and voted to save him, were too bad for any society, much less for the important trusts which they held, of representing a free people. It proved to him the truth of that declaration which the House made on the 6th of April 1780, that the influence of the crown had in-

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creased, was increasing, and ought to be diminished. But he desired it to be understood and believed, that though they brought on the question for an inquiry into the conduct of the first lord of the Admiralty, they had no intention of fixing him in his seat; if he should be secured by their endeavours to turn him out, they could only lament that obstinacy which they had it not in their power to subdue. They did their duty in warning their country of the consequences of his administration of our naval affairs; they spoke of his repeated errors and crimes, exposed them to view, and endeavoured to procure his discharge; and they did this in the honest and upright intention of saving the empire from the further effects of his miserable system. He begged, therefore, that it might not be imputed to them, that they wished to fix him in his seat; nothing was farther from their intention, and he trusted that those gentlemen who had spoken as he had said, and who wished for the good of their country, that the earl of Sandwich was removed from office, would now be honest enough to hold the same language within doors that they held without, and act with the same vigour that they spoke.

The hon. gentleman now proceeded to the matter of the inquiry. He said that it naturally was divided into two distinct heads; the one whether the first lord of the Admiralty had the means of procuring a navy equal to the occasions of the state? and secondly, whether he had employed the force which he really had to the necessary services with wisdom and ability? As to the first, he did not mean to introduce it into the inquiry; for though it was very true that there were many occasions, in which he could prove that the first lord of the Admiralty had neglected his duty in this respect, yet, as it would require so much detail of proof, and bring forward so many office-witnesses, witnesses all under the patronage of the noble lord himself, he did not wish to lead the House to this part of the subject. If the inquiry was to be continued for so great a length of time as would necessarily be required for going into that part of the subject, he saw no probability of gentlemen giving it attention. There was an indifference in that House almost invincible; and therefore the only prospect that he could have of the inquiry being regarded was, that it would not be tedious nor perplexing. If the first consideration was taken up it must be so: there would be great difficulty in ascertaining the facts, and the House would be obliged frequently to resort to opinion and speculation on which it would not be fair to ground censure or punishment. But though he did not take up this part of the question, he begged that no gentleman would suppose that he thought the first lord of the Admiralty less criminal here than under the second head; he was convinced of the contrary. There were many egregious faults, and such as every gentleman, whether intimate with naval matters or not, must fully comprehend.

The navy of this country was confessedly inadequate to our occasions. It was not the question, whether it was equal to the navy which lord Hawke left when he went out of office, though he could prove that the fleet, at the second year of the war, was not nearly equal to that of the year 1759; but it was with the state of the French and Spanish navy that the comparison ought to be made. It was the duty of the first lord of the Admiralty to prepare a fleet able to cope with that of the enemy, whatever it might be; and when he saw equipments going on in the French and Spanish marine, it was his business, and it was his indispensible duty to take the alarm, and exert the powers of this country for our defence. Would any man venture to say that the means had been denied him? would any man venture to slander the House of Commons with the charge of parsimony? surely none would. It might safely and truly be imputed to them that they had been lavish and wasteful, in cases where expence was not wanted, or where it was improper; but no man would say of them that they had been fastidious or narrow; that they had denied useful sums, or crippled the necessary service. As the nation had felt all the hardships of extravagance, it might certainly have been expected that they should have reaped also some of the benefits. This, however, had not been the case. The earl of Sandwich had procured lavish grants,—he had the command of the national purse, but he had failed to provide for his country a fleet equal to the necessities of the state, or equal to the strength of the enemy. He had said, however, that he did not mean to go into this branch of the question. The examinations which it would require, would be intricate; the accounts given by men in office would be unintelligible to many

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gentlemen, and would be rendered obscure to all, by means of the artifices of the Admiralty. He wished to confine the inquiry to that which every gentleman would be competent to discuss, and he promised the House that there would be ample matter for discussion.

The branch of the question then to which he wished to call their attention was, Whether the first lord of the Admiralty had directed the force of this country, with wisdom and effect, to the necessary objects of the war. Before he proceeded to this he must clear a little ground. A doubt had been raised about the nature and extent of responsibility: knowing, and believing, that all his Majesty's ministers were guilty of the dismemberment of the empire, and of the calamities with which we were surrounded, it was to him a matter of indifference on whom the consequences of the enquiry should light; whether it should be the first lord of the Admiralty, or the first lord of the Treasury, or on either or all of the Secretaries of State. He thought them all guilty, and punishment could not fail to be just, if it fell on either; but he must pay regard to the constitution. Our constitution then pointed out the particular minister who was bound to give advice to his sovereign in naval concerns, and who was consequently responsible for naval measures. That minister was the first lord of the Admiralty. A subaltern commissioner of that board, and which he once had the honour himself to be, would be bound, if he should receive an order from a secretary of state, to send a number of ships, with a particular commander, on any given expedition, to execute that order strictly and literally, without presuming to examine the propriety or the wisdom of the measure. He could not argue on the point, because he had not the means of judging. He knew not the grounds on which the order was made. He knew not the intelligence, and he ought not to know it, nor the facts, nor the arguments, nor the reasoning on which it had been adopted by the cabinet. It was therefore his immediate duty to obey the mandate; but if the order had been sent by the same secretary of state to the first lord of the Admiralty, the case was very different. He, as well as the secretary, was a counsellor of the King, and he knew, or ought to know all the grounds on which the order was made. If, therefore, knowing these grounds, he disapproved of the measure; if he considered it as inconvenient or dangerous, it was his duty, and he was bound to disobey it. It was a power necessary to his office, to exercise his discretion in every measure which he executed, since without discretion there could be no responsibility. This was the true constitutional doctrine, and it was this which would give firmness and stability to our government, if left unshackled by influence. But it was no wonder, that a noble lord (Mulgrave) should, by the circumstances of his situation, his friendship, his familiarity, and other reasons, be apt to confound the minister with the subaltern, and speak with some confusion on the subject of responsibility, since he might, though only an inferior lord of that board, fancy himself, in the House of Commons, the prime minister of the Admiralty.

The hon. gentleman now entered into an enumeration of the instances of mismanagement of our navy, which had occurred in the course of the last five years, by which the House would see what were the particular points to which he meant to call their attention in the proposed enquiry. This he did with that historical precision and accuracy for which he is remarked, beginning with the commencement of hostilities between this country and France, and tracing the naval minister through all the series of his measures year by year. We cannot presume to follow him with correctness. He said, that as early as the year 1776 his Majesty's ministers must have supposed that France would interfere in our contest with America. He took this for granted, because at so early a date they applied to his hon. friend, admiral Keppel, to know whether he would take upon him an important naval command. From this application he collected the circumstance of their apprehension of a French war, because knowing the sentiments of that great admiral on the subject of the American question, they could not presume to offer him an appointment to fight against the Americans. He did not mean by saying, that because admiral Keppel would not fight against the Americans, those officers were guilty who had accepted of commands against them. God forbid! Many gallant gentlemen had been employed in that service from mistaken principles of discipline, and some from an early conviction of the rectitude of our cause. He only meant to say, that admiral Keppel,

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with his sentiments on that question, would have been unpardonable if he had accepted of a command. The ministry then knew so early as 1776, that the French would interfere, and from that moment at least, if not before, they ought to have begun their equipments to act with decision against France in the beginning of the war. At that time a very worthy and industrious friend of his, Mr. Temple Luttrell, knowing that the first thing a statesman had to do, before he embarks in a war, is to examine whether his means are sufficient for carrying it on, moved in his place, that the navy of England in its then state, was inadequate to the exigencies of the empire. This motion, Mr. Fox said, he had the honour to second; but, though obviously founded in truth, it was rejected by a majority: ministers then boasted of the formidable and still growing state of the navy, and parliament and the nation at large were given to understand, that we actually had, at that time, a naval force equal to every possible exigency of the state. At the same time the House was told from the Treasury-bench, that if it were not the case, it would be impolitic and dangerous to publish it to the world. What truth there was in such assertions experience soon pointed out, and the public found that the assertions of ministers, and the flattering picture drawn by them of the navy of England, were illusive. For so far had a noble lord in office gone (lord Mulgrave), that in the present session of parliament he had asserted not only that we were inferior to France at sea; but that it was in the nature of things absolutely impossible that we should be equal to her, whenever she should turn her thoughts entirely to her marine: here the illusion ended; and here we were undeceived by ministers; the motion he alluded to, had this tendency, to make ministers reflect before hand, and consider the strength of France and England, before we should break with the French; and after they should have, by mature deliberation, discovered what must be their own inferiority in a contest with America and France united, to persuade them to make peace with America, and, by so doing, either prevent the war with France, or be enabled to bring our whole force against her, and crush her navy at a blow. If this had been done, that country, used to be stiled the British empire in America, might be perhaps independent, but it would not have been French.

But the circumstance to which he wished to allude in this matter was the bold contrast which there was in the language of gentlemen on the opposite side of the House. In 1776, before we went to war, it was declared to be impolitic and dangerous to say that our navy was inferior to that of the enemy, even if it should really be so, we must not venture to speak the truth. But in 1781, a member of the board of Admiralty declares in the face of the whole world, during the fourth year of a war with France and Spain, that our navy was not only inferior, but that it must necessarily be inferior to that of the enemy, at all times when the enemy pleased. The gentlemen in opposition were blamed for giving improper intelligence to the enemy in the year 1776.—The noble lord of the Admiralty was no doubt praised for giving them intelligence in the year 1781.—It was dangerous before we went to war to tell the French and Spaniards what we thought of our force—It was perfectly safe to inform them of it when we were involved in a war with them, and surrounded in a manner unprecedented in English history. The noble lord talked of the despondency of not looking our misfortunes in the face: but mark the difference of the noble lord's conduct and his words;—We must not look our misfortunes in the face, nor examine our situation with steady, resolute minds, when examination would be advantageous because seasonable; when by examination we might have prevented the calamities that ensued; but we must examine and publish our weakness to all the world, nay, we must go out of the way, and without being called or solicited, inform our enemies at the very moment when they are ready to attack us in every quarter of the world, that we are inferior to them, and must be so! It seemed all the way through the present administration, that the ministers, as if they had been really the servants of France, thought only of the best means of involving us in wars, but took no pains to bring us out of them again. They kept their weakness concealed till it was too late for the people to know it, and then they were the first themselves to reveal it.

But they knew so early as 1776 of the approaching American war, and that we should have occasion to prepare for the rupture with all the industry, skill, and

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zeal which we could exert. How did they do this? They sent all the frigates of England to the American seas, for the great national purpose of destroying the American trade. This was an object so much at heart, that they not only sent all their frigates to America, leaving the European seas totally unprovided with small ships, but they also employed the line-of-battle ships during the whole of the winter of 1778 in cruizing, for the purpose of making captures of American traders; even in the very moment when the treaty was signing between France and America, were the large ships of Britain tossing about in the seas, encountering all the dangers and injuries of winter storms, for the sake of pillaging American craft. What was the consequence? They were torn to pieces; and in the beginning of the campaign, when admiral Keppel went down to take upon him the command of the grand fleet, he found but six ships ready for sea, although it was a well known notorious fact, that the earl of Sandwich had, in his place in the House of Peers, declared some weeks before, that there were between thirty and forty line of battle ships ready for sea. This plan of cruizing in the winter, had been the favourite measure of his Majesty's ministers, and had contributed more than any thing else to the lateness of all our expeditions, by which we had always been behind-hand with the enemy; for the consequence was, that from the damages which they sustained, and which were almost inseparable from a Channel cruize, they were sent into dock to be repaired, at a time when it became known that the French were arming as fast as possible: had these ships been in readiness, which they might have been, if they had not been employed in a service that ought properly to have been performed by frigates; we might have insisted that the French should have immediately disarmed, or we might have fallen upon them before they were prepared; and so have crushed them before they would have been able to strike a blow.

This was the cause of that shameful deficiency which admiral Keppel found when he went down in March, 1778, and found only six ships of the line fit for sea. Thus, to use an expression to which he supposed the Admiralty would not object, "a glorious opportunity was lost" of striking an effectual blow at the French navy, and crushing them by a decisive stroke in the infancy of the war. For had admiral Keppel been sent to sea with his squadron at an early period of the campaign, what might not have been the consequence? Instead of this, he was detained, as if this faithful servant of the king of France, the first lord of the Admiralty, was waiting till the French were ready to meet us. Then, and not till then, he sent admiral Keppel to sea with twenty ships to fight twenty-seven, an odds so formidable as in fact to endanger the very existence of the empire. When he sailed with twenty ships, he was given to understand that his force was superior to any that the enemy had to bring against him; and he believed them; but what was his disappointment, what must have been his indignation, at finding that the enemy, contrary to his expectations, had twenty-seven sail of the line at sea? Here they imposed on their commander; but it was their vanity in having a fleet in the Channel, that made them impose upon him: had they been as diligent as they were vain of this parade, they might have had a sufficient force under admiral Keppel, to have destroyed the French navy at a blow; and thus have prevented all the disgraces and disasters that have since befallen us.

The intelligence of the equipment of a squadron at Toulon had reached this country some months before that squadron was ready to sail; it was known here that some persons of distinction were to embark in it as passengers: this and a variety of other circumstances pointed out beyond a doubt, that America was the quarter to which this armament was destined: and yet though all England knew this; though the preparations were public during the months of January, February, March, and April, yet not a syllable of this had been sent to lord Howe in America till the middle of June, at least the dispatches were dated the 6th of May. Nay, so far had the ministers been from giving lord Howe notice of his danger, before the date of these dispatches, that they had even sent him orders to detach a part of his force to the West Indies. He was just preparing to execute this order, when he heard, but not from ministry, of the expected arrival of count D'Estaing in those seas. He then with that manly foresight, which distinguishes an able commander, kept his force together, and by a singular effort of genius and naval skill, preserved his fleet and the army

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by an arrangement which would place his name among the most celebrated of our British admirals. Such were the dispositions made by his lordship, such the spirit and abilities displayed by him against count D'Estaing, that he defeated that officer with a very inferior force; or if he did not literally gain a victory over him, at least he gained the substance of one: fortunately indeed, for his own honour, but unfortunately perhaps for this country; for if the army that was saved by this victory had been captured, we should not at this day have such a load of debt upon our shoulders and have lost so many armies, for our ministers would have been obliged to make peace with America. By the winter's cruize of our two-deck ships in the Channel, and the subsequent repairs, admiral Byron was prevented from sailing time enough to dispute the passage of the Mediterranean with count D'Estaing; and the same cause continuing to operate, together with the absurdity of our ministers, we were not able afterwards to prevent the sailing of M. de Grasse, and M. de la Motte Piquet, with reinforcements to count D'Estaing; the consequence was, that admiral Byron had the mortification to arrive time enough to see Grenada taken, our most valuable settlement in the West Indies after Jamaica. As dilatory in instructing and strengthening the hands of their officers abroad, as they were in fitting out ships at home, the ministers had ordered admiral Barrington to wait at Barbadoes till he should be reinforced: he too, from superior information, ventured to disobey these orders, and saved St. Lucia; but so slow were ministers in sending out reinforcements, that had commodore Hotham arrived only one day later than he did, St. Lucia would have been lost: he defended it, indeed, in a manner which would do him and his country honour, while bravery and abilities should be esteemed in the world: he defended the island with a force more than three times less than that of the enemy; and yet, exclaimed Mr. Fox, admiral Barrington is now on shore. He must speak a little on that circumstance. The admiral was said to have come on shore because he would not accept of the principal command of the fleet.

When he had spoken in debate of the number of brave officers who were driven by the earl of Sandwich from the service, and it had been a subject of conversation, lord Howe desired that no gentleman would give reasons for his conduct. This had been erroneously supposed to apply to what had fallen from him. In fact, it came from the noble lord on account of the reason which lord Lisburne gave for admiral Barrington's retiring; it was, his lordship said, because he had weak nerves. This gave a pretty good idea of the reason of so many brave men withdrawing themselves from the service. Had admiral Barrington weak nerves? He had not weak nerves, when, with five ships of the line, he stood and beat off 15 of the enemy. But he whose nerves were not weak when he met a host of foes, shrunk from a closet interview, and a responsible connection with the earl of Sandwich. Admiral Barrington was a man, from whose connections it might be expected that he would not be unfriendly to ministry, but yet he had apprehensions of the earl of Sandwich. This was the cause of so many brave men retiring. This was the cause of their choosing to withdraw themselves from a post where they had greater enemies to meet than the French and Spaniards. They shewed us that there was a man at the head of our naval affairs, whose quality and cunning it was to make even bravery useless to his country.

The year 1779 presented us with a repetition of the plan and misconduct of 1778. Late cruizing in the winter prevented early equipments in the campaign. The Spanish war broke out, and the first lord of the Admiralty, as if he wished only to fight the battles of our enemies, never once attempted to prevent the French and Spaniards from meeting, joining, and insulting us in the Channel. Sir Charles Hardy was sent to sea without instructions to prevent the junction of the enemy, and it was only Providence, our good and great ally, that saved us, by sending an eastern wind, and a distemper, to drive the enemy from our doors. Sir Charles Hardy stole along the French coast in order to avoid seeing the enemy, but when he got into Torbay, and the earl of Sandwich was perfectly assured that the enemy was safe in Brest water, he commenced his exertions, and all was hurry and confusion at the dock-yards, that hurry which he constantly mistakes for diligence; and when the clamour ran high, and the people felt the indignity that had been offered to them, he promised them that they should have a good

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account of the enemy. The next piece of misconduct was in the manner of dispatching admiral Rodney to the West Indies. A French squadron under count de Guichen, had sailed for that destination, and very alarming appearances ensued. It was exceedingly necessary that sir George should be there as soon as possible. In order therefore to facilitate his passage, he is sent to relieve Gibraltar, by which he is detained a considerable time, and the enemy are left in the quiet enjoyment of this opportunity of reinforcing the squadron at Martinique. We had it in our power to have got the start of de Guichen, for the fleet which was dispatched strait, arrived in the West Indies before the French squadron. We might therefore have intercepted their passage and fought them separate. It was true that sir George Rodney's squadron destroyed nine of the enemy's ships, a capital advantage, and indeed the only thing that had the consequences of a victory through the whole war; but were ministers to be praised for what they did not contrive, and what they did not foresee? It was Providence again, and the bravery of sir George Rodney's fleet, but not the earl of Sandwich that gave us that advantage. In the West Indies the French and Spaniards formed a junction, and sir George Rodney, who is fond of promising to give a good account, and not very apt to be depressed by the misfortunes of his country, fairly owned that he durst not meet them. Here then ruin stared us in the face, every one of our islands lay at the mercy of our enemy; but there seemed, said the hon. gentleman, to be an earl of Sandwich in their councils, and God grant that there may always be an earl of Sandwich in their councils! They met, and separated without doing any thing.

The year 1780 was remarkable for the capture of an immense fleet of merchantmen and transports under commodore Moutray, and the circumstances of the case were striking: they gave another suspicion among all the other parts of the earl of Sandwich's conduct, that he was intent on doing good and faithful service to his masters of the House of Bourbon. At least if they had been his masters, it could not have been more consistent with duty to have ordered captain Moutray to deliver up his invaluable convoy to the jaws of the enemy, than to do as he had done; for at the very moment when he knew that the Spanish fleet was cruizing off the coast of Spain he ordered captain Moutray to rendezvous at Madeira; that is to say, to go in the very track where he would fall in with the enemy. In this year again the same fault was observable with respect to late sailing. No attempt was made either to prevent the fleets from joining, or to prevent the sailing of M. Ternay for America with that military force which had lately captured the army of earl Cornwallis. The same scheme of bombastic gasconade still prevailed, and ships and fleets were employed in needless cruizes, merely for the purposes of saying, that we were in possession of the seas when the enemy were in port. It was in this year that commodore Fielding was sent with six ships of the line to intercept admiral Byland with one. This circumstance made the assertion of lord North, "the the Dutch war was a war of necessity, and not of choice, as we suffered more from them while they were insidious friends than since they are become open enemies," intelligible; it was to him inexplicable till of late, but now he saw its meaning and acknowledged the truth of the observation; for when they were friends, we sent six ships to fight one; but when they became enemies, we sent only five ships to fight eight. This was the plan of the earl of Sandwich. As soon as a nation became our enemy, he lowered the opposition that we made to it, and thus it plainly appeared, that they were more injurious to us when friends than now when enemies, for they then detached more of our men of war than now from the contest with the House of Bourbon.

The hon. gentleman then came to the year 1781, the memorable period of our disgraces and infamy; and he particularly described the naval transactions. The rupture with Spain was the first memorable event of this period; a measure so scandalously impolitic, and so infamously brought about, that ministers ought to be impeached for that alone. Though ministers seemed in the Dutch war to be actuated by a spirit of resentment, they did not know how to wreak it on the Dutch; if they had had a mind to crush them, but God forbid, said he, that the Dutch should ever be crushed, for then indeed the present system of Europe would be no more; but if they wished to crush Holland, they should have had a fleet in the Texel to awe the Dutch, and force them to yield to the terms of England; no such measure was adopted; instead of that five ships only

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were sent into the North seas. Providence, indeed, but no thanks to the Admiralty, had sent the Berwick to join admiral Parker: but why the Sampson was not sent by their lordships no one could tell. It was true, indeed, that they sent to the coast of Norway, to let him know that she lay at the Gunfleet; and that if he wanted her he might send for her. Thus time was lost; she might have been the messenger herself; and then our admiral, no doubt, would have gained a decisive victory over the Dutch. The Sampson was indeed sent to him, but she arrived the day after the engagement.

Our Channel fleet was still, as formerly, too late to prevent the junction of the French and Spaniards, or even to attempt it. Their fleets appeared again at the mouth of the Channel; admiral Darby sent an account of it to the Admiralty; but there he was laughed at—he was not believed: the mayor of Bristol sent to the Admiralty to know if the report was true that the enemy was on the coast; and an answer was sent to him by Mr. Stephens, by order of the earl of Sandwich, that there was no such thing; and that admiral Darby had put back into Torbay, only for refreshments: thus was that admiral spit upon by the first lord of the Admiralty; and the information he had given treated as a lie. Such was the manner in which the first lord of the Admiralty treated an admiral commanding the naval power of Britain; and such was the sort of treatment which had driven men of fine feelings from the service! He knew not how admiral Darby felt it; he had heard an excellent character of that gentleman, and he believed him to be incapable of brooking so palpable an insult. How it had been settled he knew not, but the fact was so; and further it was perfectly well known, that admiral Darby had returned to port with the advice of his officers, in consequence of the appearance of the combined fleets. The mayor, however, received a letter from lord Shuldham in about a quarter of an hour after the receipt of Mr. Stephens' letter, in which his lordship confirmed the report, that the enemy were in the Channel, and warned the mayor to communicate the intelligence to the merchants. The consequence of the Admiralty letter would have been to decoy the trade of Bristol into the hands of the enemy, just as captain Moutray's convoy had been sent into the hands of the Spaniards, by having been ordered to rendezvous at Madeira, while the enemy were cruizing in his track. It seemed, however, that though the Admiralty knew nothing of the combined fleets last year in the Channel, or pretended not to know any thing of them, lord Stormont had written to Mr. Eden in Dublin, to warn him that they were gone to cruize off the coast of Ireland, and it was pretty evident that this letter was precisely of the same date with that from the Admiralty to the mayor of Bristol, in which that magistrate was informed that the enemy was not on the coast.

The combined fleets separated last year early in September; but our fleet, as usual, was kept at sea to make an empty parade after the enemy had quitted their station. They were cruizing about, while M. de la Motte Piquet came out, and seized our St. Eustatius fleet, with all the plunder of that island. Comte de Grasse put to sea; and though by a proper use of the force we had at that very time cruizing, we might have defeated him, and prevented all the dreadful consequences that afterwards attended his expedition, he was permitted to proceed; and the last consequence of our having suffered him to pass us, was the surrender of lord Cornwallis, which could never have been effected without his naval force. When admiral Darby was at Gibraltar with a very fine fleet, he should have been instructed to detach a part of it to the West Indies, if he should not meet with any opposition in relieving Gibraltar: such instructions would have effectually saved lord Cornwallis, by giving us a superiority in the West Indies: but our ministers never thought before-hand; at an earlier period of the war, when lord Shuldham was sent out with a very capital force, to protect a great convoy, he was not instructed to do any thing against the enemy.

In the West Indies we had been indulged with sir George Rodney's frequent promises to give good accounts of the enemy's fleets, when all he had been able to do, was to fight some drawn battles; which were, he contended, generally followed with the loss of some of our islands, and therefore, in effect, were as bad as defeats. He had been employed in the despicable plunder of St. Eustatius while the island of Tobago was taken; and the business of this great conquest was not discussed time enough to prevent the catastrophe of our American career. But

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the last measure was the most abandoned of all, and which particularly demanded the investigation of that House, the sending out admiral Kempenfeldt with a force so inferior to that of the enemy. This had impressed the whole kingdom with surprise and indignation. Either the Admiralty were deficient in the necessary information, or they were negligent in having taken proper advantage of it; in either case their conduct was equally criminal. The ministry had heard, that the French were doing something, and upon inquiry found, that they had 15 ships of the line at Brest, and two at Rochford. The naval minister knew the French had 21 sail, but he took it into his head that only 12 would sail to the West Indies, not thinking, as he should have done, that the other nine would bear them company to a certain latitude. He therefore thought, as only 12 ships were going to the West Indies, that 12 ships could intercept them, and admiral Kempenfeldt accordingly is dispatched with that force to intercept them; when lo! as might have been expected, the French fleet amounts to 19 sail! In consequence of which, the British commander dares not attack them, and the object of their destination is pursued. Providence indeed, so often our friend, interferes; throws some of their transports into our hands, and destroys others by a storm. To render this matter still more censurable, and unfold the designs of the first lord of the Admiralty, at the very time admiral Kempenfeldt was sent out with an inferior force, ships fit for action were then lying in the Downs and other places. They were indeed stationed there to annoy the Dutch trade, but their being withdrawn a few days from that station could have produced no ill consequence, that could have been put in competition with the advantages.

As to sir George Rodney, no part of his fleet, it was said, could be spared for the purpose of attacking M. Vaudreuil. The hon. gentleman could not but admire this sort of excuse, as if it was not better to stop the French from going to the West Indies than to follow them thither; for the most that had been urged was, that it would have delayed his sailing to the West Indies; not thinking, as more rational men would have done, that if M. Vaudreuil could have been destroyed here, there would have been no occasion to have sent any body to another part of the world to have done it.

The hon. gentleman remarked, that we had now been at war for some years, and, excepting in the case of admiral Kempenfeldt, no endeavour had ever been made to intercept the enemy: it was therefore no wonder, that the minister of the naval department should have shewn himself such a novice. It had turned out that the two ships left behind to harass the enemy had done essential service. Unskilled a he was in professional matters, he could not help asking if admiral Kempenfeldt had continued to harass them with his whole force, whether he could not have done infinitely more service with his 12 ships than was effected by the two that did remain at sea; and whether his ships, being copper bottomed, might not have a very great advantage of the enemy?

The hon. gentleman said, that those were the principal points to which he wished the intended inquiry to turn. The year 1781 gave an epitome of all the blunders of the war; and therefore, for the sake of dispatch, he would confine his proposition chiefly to that period; not however forgetting the other years. The leading points in the inquiry then would be the naval operations of 1781 in their regular order—the practice of tearing the ships in winter cruizes; and losing every advantage of local situation, and priority of appearance at sea, to prevent the junction of the enemies. These were the points, and to these every gentleman, whether landman or seaman, would be competent, because they were measures of simple policy. It was a subject which they must enter upon now or hereafter with seriousness. We had acted too long from our hopes; we must now yield to our judgment; and he warned the House not to sport longer with the feelings of a great, suffering nation; nor presume to ruin a people for the sake of a man. He meant to move for a variety of papers, but they were of a nature that would take up but a day or two to prepare. He then moved his first motion, "That it be referred to a committee to inquire into the causes of the want of success of his Majesty's naval forces during this war, and more particularly in the year 1781."

Captain *John Luttrell* said, that lord Sandwich's declaration, which had been so often and so illiberally repeated, allowing that it had been really made, was made some years ago, when it was scarcely possible to imagine that this country would

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be engaged in so difficult and extensive a war; and as to lord Mulgrave's assertion of the superiority of the Bourbon navy in the reigns of William and Anne, no comparison could be drawn between the reign of Louis the 14th and the reign of any other French monarch. The navy was not in good condition when delivered to lord Sandwich; but lord Hawke was not to blame; the evil originated with his predecessor the earl of Egmont; parliament were very niggardly during that noble lord's presidency; and though his lordship's hands itched for as much money as any other first lord of the Admiralty, yet it was not to be obtained then so easily as of late. Parliament had voted large supplies, and lord Sandwich had applied them most serviceably; our yards perhaps never were so full of timber and stores of all kinds as at present. In the navy there was occasion for much alteration and amendment; it was torn by dissentions; officers never saw each other but upon duty; now they had no access to the tables of their superiors; in times of an Anson, a Hawke, and a Boscawen, all was cordiality, affection, and zeal; at present all was party, disunion, and jealousy; to remedy this the veteran commanders ought to be called into the service. He then adverted to other matters that required correction. The sick men in the West Indies should not be sent home discharged; they generally recovered in the northern latitudes, and on entering again received fresh bounty money; this occasioned great expence; instead of being sent home discharged, they should be sent home to some of the royal hospitals. He loudly called on the humanity of the House to order a larger quantity of bark for the ships destined for the West Indies. Convinced of the merits of lord Sandwich, he had mentioned in what he thought the navy misconducted; and he should be for continuing in office so active and capable a nobleman, until gentlemen could put our marine into hands more able and more zealous. For the reasons he had stated he should give his negative to the motion.

Mr. *Perceval* vindicated the honour of lord Egmont, who, he said, had acted with as much integrity in his office as any gentleman who had ever been in it; and he appealed to the professional gentlemen who knew him, and had been witnesses of his probity, and would attest his honour.

Lord *Mulgrave* prefaced his speech with a handsome compliment to the administration of lord Egmont when at the head of the administration of the Admiralty. He then said, that he should not follow the hon. gentleman who made the motion, through all the detail of his argument; instead of that cool, temperate, and candid style of reasoning, in which a subject of so much seriousness and importance ought to have been treated, the hon. gentleman had thought proper, previous to the inquiry being gone into, to calumniate the first lord of the Admiralty, to load him with the grossest invective, to accuse him of great criminality, and that in a variety of instances; and, instead of attempting to bring forward any thing like proof, to resort to matters totally foreign to the subject under consideration. What had the supposed connection between the earl of Sandwich and the East-India Company to do with the conduct of the first lord of the Admiralty? And was it fair, in that stage of the business, to affect to stile the noble lord the ally of France, and to charge him with something like treachery, and that of the basest kind? He trusted the generosity and good sense of the House would revolt at attacks so made, and introduced at that moment, which of all others should have been the most free from the smallest appearance of deviation from candour. The hon. gentleman accused men in place on the ground that they had less property than official emolument; was the argument a good one? If it was, might it not be just as fair for him to say, that the public were to the full as likely to be well served by them, as by those who acknowledged that the chief foundation of their opposition was a wish to get into place, and who had neither property nor office. But this was too brazen-faced, too dirty an argument for him to use with any seriousness; it was like that to which he had just opposed it; they were both of them unworthy of being heard within those walls, and merited contempt. With regard to a great part of of the hon. gentleman's speech, it went merely to matters of opinion, to points on which men of great ability and integrity might fairly be allowed to differ; the hon. gentleman, therefore, with respect to them, and indeed to every fact he had mentioned, could only have spoken presumptively. He wished, however, for the sake of fully satisfying the public, and doing substantial justice to the character of the first lord of the Admiralty, that the hon. gentleman

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had not proposed so narrow a scale of inquiry. The more broad it was made, the more likely was the House to come at the truth, and consequently the ends of justice would have been the more fully answered. The hon. gentleman had said, the noble lord was culpable for not having built more ships. True, where there was a sufficient depth of water, slips might be formed. But when slips were built, was nothing else requisite for the equipment of a navy? Would the forming of slips supply them with necessary stores, provisions, and men? Were ships and every necessary to be produced from sowing? Would they grow up complete like a field of grain?—The hon. gentleman had entered into matters which it was not possible to investigate; a matter of inquiry respecting the noble lord at the head of the Admiralty. They consisted of occurrences which depended more on opinion than testimony. In respect to those circumstances of the war, they could not have the least reference to the conduct of the noble lord, as a criminal. They were dependent on such contingencies as might appear to arise more from accident than conduct. Besides, he desired it might be remembered, that whatever was the issue of their inquiry, no reflection should be cast on that board for with-holding any thing that related to the official conduct of the first lord of the Admiralty. For it was their desire to go into it in a manner that should either criminate him for negligence, incapacity, or treachery; otherwise clear him to the honour of his profession and personal character.—He complained of the manner in which the hon. gentleman had spoken of the circumstance of admiral Darby's return last year, and the treatment which he had received from the Admiralty. Would any man of the proud honour and nice feelings of admiral Darby stoop to treatment such as had been described? Would he not have resented the indignity with that firmness which he trusted a British admiral would always express when his honour or veracity were called in question? The fact was, that admiral Darby received information from a vessel that the combined fleets were off Scilly, and he consulted his officers, a majority of whom advised him to return to port: but there were among those officers, and he was one of them himself, several who disbelieved the intelligence. With respect to the apparent inconsistency between the letters of Mr. Stephens to the mayor of Bristol, and that of lord Stormont to Ireland, the inconsistency would vanish when the hon. gentleman knew, that instead of four days, an express went to Dublin in two days. The noble lord concluded with saying, that he wished the hon. gentleman had made his inquiry on a larger scale, for the broader the inquiry the more complete would have been the acquittal and triumph of the first lord of the Admiralty.

Mr. *Fitzherbert* said that he felt the emotion which was natural to a young speaker, but he must beg leave to remark, that on the navy of this country depended the very existence of the state; it was our greatest bulwark, it was our only defence; by it we had been raised to the highest pinacle of grandeur; without it, we should still feel the dreadful effects we had so lately experienced; it was, therefore, a subject which ought to engross the attention of every member of that House. He declared, he had it from the authority of the different French officers, who landed at Portsmouth, corroborated also by the officers who landed at Plymouth, that such powerful strides had been made by the House of Bourbon, towards having a superiority in their marine, that would not only be astonishing to that House, but had astonished all Europe. The keel of the Couronne, an 80 gun ship, that was under M. de Guichen, in the fleet which admiral Kempenfeldt fell in with, was only laid on the 17th of May last; and a still stronger instance was that of the Pegasus, a 70 gun ship in the same fleet, the hulk of which was laid, and the ship fitted for and at sea in three months and five days. This naturally led him to consider the cause, why the fleets of this country, which formerly rode triumphant on the seas, should experience that inferiority which so fatally appeared to be the case of late? It was not, he was persuaded, from a neglect in the particular officers, but it was owing to a want of shipwrights. He would only speak to the yard at Portsmouth, because he lived in the neighbourhood of it, and passed much of his time there; slips we had in plenty to build ships of the line on, and there was also plenty of all kinds of materials, but there was not a sufficient number of artificers to put those materials together. There were now four slips ready to build ships of the line on. The keel and frame of the St. George had been laid upwards of four years, and both were now perishing for want of shipwrights to finish her; the frame of the Leopard

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was in the same situation; the frame of the Bulwark had been cut out these four years, and not a single hand could be spared to work on her. There was also another slip, from which the Warrior was lately launched, but so small was the number of shipwrights that not any could be spared, at least very few indeed, to be employed on the new work. Should our fleet come in disabled, either by distress of weather, or in consequence of an engagement with the enemy, we had scarce hands sufficient to repair the damage, and send the ships to sea in any reasonable time. We need not wonder that France had made such rapid strides in the increase of her marine, when at the port of Brest they had upwards of 3,000 shipwrights, whereas at Portsmouth we had only 800, including apprentices. At the commencement of the present troubles, had apprentices been given to the most deserving shipwrights in his Majesty's different yards, who could produce certificates of their having kept their time, and been good workmen, it would not only have rewarded the old, but encouraged the young; and we might then have had double the number of shipwrights we had at this time. The good effects of which would have been experienced in our having a navy superior to the present. So far was this from having been the case, that last year, in Portsmouth yard, only 20 apprentices were allowed to all the different shipwrights, 29 of whom left the yard, and 12 died.

Lord *North* said, he by no means disapproved of an inquiry into the conduct of the Admiralty. It was what lord Sandwich and the other members who composed the board most anxiously wished for. There was nothing they more eagerly desired, than that a full, candid, and fair inquiry into their whole conduct should be set on foot; because they were convinced, instead of being found guilty of those many enormous crimes imputed to them, it would appear that they merited the highest praise from their country. Before the recess, when the affair which gave rise to the present inquiry was before the House, the members of the Admiralty, conscious of the rectitude of their actions, challenged the opposition to scrutinize, in the fullest manner, their conduct. But instead of coinciding with the wishes of the Admiralty board, what had gentlemen in the opposition done? Why, after publicly and privately calumniating them, and accusing them of neglect in increasing our navy, though they had many opportunities of doing it, and of letting those ships they had decay away, and, in general, of total incapacity to fill up an office of such importance; totally regardless of all those assertions, because they were persuaded they were groundless, they had instituted an inquiry of so confined a nature, that it was impossible, consistent with justice, to form any resolution that might censure the first lord of the Admiralty. However, he looked on the present motion to be of such a tendency, as to affect not only lord Sanwich, but every member of administration. For though every first lord of the Admiralty must of course have great influence, when any naval question was agitated in council, yet he had but a single voice, and the rest were equally with him answerable for his conduct. For this reason, so far as concerned him, he was not averse to the motion.

After some further conversation the motion was agreed to. Mr. Fox then moved, "that it be referred to a committee of the whole House, on Thursday next." This was agreed to *nem. con.* He next moved for a variety of different papers, necessary for the purpose of the inquiry; which were granted.

Jan. 28. Lord *Mulgrave* said he was sorry that the hon. member who had moved that the committee on the naval inquiry should sit on Thursday next, was not then in the House. The noble lord said he had sent him notice on Sunday that he would move this day, for discharging that order, and making a new one for the sitting of the committee on Thursday se'nnight, because the papers which had been moved for as necessary to the inquiry, could not possibly be ready by Thursday next. This, as soon as he knew it, he communicated to Mr. Fox; and the hon. member had sent him for answer, that he should be in his place in the House on Monday: but he was sorry to hear now that he was prevented by indisposition from attending. His lordship however said, that he would wait till to-morrow, if necessary; and then would make the motion he had mentioned.

Mr. *T. Townshend* was not less sorry for the indisposition of his hon. friend, than astonished at the intention of the noble lord to put off the inquiry, after ministers had in a manner defied it. It was singular that they did not know that the

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papers would be voluminous. They did not say a word at that time. On Thursday they were to go into this business. It was not therefore probable that another opportunity would occur, as the next day there was to be a ballot, and Wednesday was a holiday. They would be left therefore altogether in doubt whether it was to come on on Thursday or not. He was proceeding, when he was interrupted by the Speaker, who informed him that there was no question before the House, and that it would be disorderly to proceed merely upon a notice of a motion by the noble lord.

Lord *Mulgrave* rose for the purpose of making his motion. He said, if gentlemen supposed it was the wish of the Admiralty to delay the inquiry, they were very much mistaken: the Admiralty had defied, provoked, challenged the inquiry; and had only to regret that the gentlemen on the other side had narrowed the scale on which the noble earl at the head of the Admiralty was earnest that it should have been conducted: but since those gentlemen had, for purposes best known to themselves, directed the whole of the inquiry to one single object, it was the wish of the noble earl to lay before the House, in the most clear and ample manner, those documents which had been moved for; and he wished it the more, as he was conscious, that what his enemies imagined would furnish the great grounds for their repeated invectives against him, would furnish, on the contrary, the most irrefragable proofs of his innocence; and that what they fondly hoped would cover him with disgrace, would point him out to his countrymen as an able, zealous, and meritorious servant of the public; those documents would dispel the mists of prejudice that had been raised about that noble earl's character; and shew him in his true colours, a faithful and active minister. Nothing therefore was meant by the wished-for delay of the inquiry, than that the Admiralty might have time to make out those documents in the most clear and satisfactory manner for the House, and for the public. When the hon. member (Mr. Fox) moved for the inquiry, he had the day fixed for Thursday next, before he made his motions (of which he had such a number in his hand at the time, that he could scarcely grasp them) for the various papers that he thought necessary to the inquiry: he had made it a request of the hon. gentleman to withdraw some of these motions, till the lords of the Admiralty should have an opportunity to look into their books, and see if in any of the papers to be moved for, there were any which it would not be proper to grant: the hon. member complied with his request: when the House was rising he asked the hon. gentleman for a copy of the motions he had withdrawn; and received for answer, that he would very readily give him copies of them if he had any: but that he would send them to him the next day: this, however, he had omitted to do: the next day was Friday, when that hon. member made the motions he had withdrawn the preceding day, together with some new ones, which he had not mentioned before. It was therefore Saturday morning before his lordship had an opportunity to refer to the books at the Admiralty; he had examined them all that day; he continued his labour on Sunday morning; and then found that the papers moved for would be so voluminous that it would be absolutely impossible to have them ready by Thursday next: sitting in the midst of these books and papers, he wrote a card on Sunday morning to the hon. member, to acquaint him with this circumstance; and had intimated at the same time his intention to move for adjourning the sitting of the committee to Thursday se'nnight; the answer he received was that he (Mr. Fox) would be in the House on this day. He hoped by Monday he should be able to lay them on the table; and between that day and Thursday gentlemen would have time to peruse them. He wished the hon. mover had been present, but he trusted that it would not be imputed to him, that in making the motion now he had treated the hon. gentleman with disrespect: His lordship moved that the order for going into the committee on Thursday next be discharged: and a new order made for the sitting of the committee on Thursday se'nnight.

Mr. *T. Townshend* said, that it was for sinister purposes, and not merely on the grounds mentioned by the noble lord, that the delay was wished for: he could not conceive that the papers moved for would be as voluminous as his lordship described them; nor did he think that much time would be necessary to digest or put them into proper form; for many of them had already appeared in print; many others contained nothing more than the instructions given to our own officers; all the

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mighty business that could require any little time or labour, would be that of digesting the substance of the intelligence received from our spies abroad: therefore as he could not be persuaded that the whole put together would be either voluminous, or laborious, he could not augur well of the wished for delay. He remarked, that it was very evident for what ministry protracted the space set apart for the inquiry. There were various descriptions of men in that House, who were to be dealt with according to their different feelings previous to the opening of that business; some were to be convinced one way, and some another. Some were to have promises made to them, and some promises performed: in short, the troops that wavered were to be fixed, and those who were confirmed, were to be assuredly kept so: besides, it was hoped by this management, that the supporters of the motion for the inquiry would be wearied out and deterred from their duty, on seeing so many obstacles thrown in their way, under the persuasion that administration had not taken such extraordinary pains without a certainty of screening themselves. The inquiry was not a matter of yesterday, it had been known for months that it would take place, and the papers were such as must obviously have been expected to be moved for; they ought therefore to have been ready. He knew that a lord of the Admiralty might absent himself from his duty at sea, and being a member of parliament he might run down into the country in a recess, leaving his duty elsewhere wholly unattended to; but in this case the public newspapers had declared, that during the recess the clerks of the Admiralty were all busily employed in preparing such papers as would be necessary to be produced to parliament, as evidence upon the naval inquiry, that was expected to take place after the holidays. Besides, how was the noble lord's time employed, that he never found out that the papers moved for, part of them on Thursday and part of them on Friday, were extremely voluminous, and would take up much time to prepare, till Sunday evening?

Mr. *Byng* remarked that it had an ill appearance, that the Admiralty should wish to put off the inquiry for Thursday next: on that day the House was to be called over; and therefore a pretty full attendance might be expected; and it was only in a full House that so important an inquiry should take place: but perhaps ministers did not think the attendance sufficiently great. On the 21st, when the House was called over for the first time, there were a great many absentees on the ministerial side: the delay might give them time to come to town; and perhaps during the time gained by the delay, ministers might be able to convince many other members, by irresistible arguments, that the management of the navy was such as must do honour to the earl of Sandwich. Those very likely were the great objects of ministers in putting off the inquiry for another week; and therefore it was the duty of the real friends to their country to oppose a delay, not calculated for the benefit of the country. He had opposed the call of the House, and he had incurred much censure, because there had been no material business. Now that it was put off for a week longer he should incur much more censure. He saw no earthly reason for the delay, unless that which his hon. friend had pointed out of an intention of management in the Admiralty, so as all former inquiries had been managed and defeated.

Sir *James Marriott* begged of the gentlemen on the other side of the House, to consider the nature of the business which occupied the attention of the House. It was a judicial inquiry. The gentlemen had brought severe charges against the Admiralty board, and they had called for documents to support and prove those charges. The evidence on both sides was to be brought forward: by whom? By the party accused. So far this business differed from the practice of the courts below; for here the party accused was called upon to bring forward the evidence by which the charge against him was to be proved. Was it not necessary that he should have time to do this? The clerks in the office could not prepare the papers without the assistance and inspection of the principals of the board. It was a task for the lords of the Admiralty themselves to look over carefully, to digest and arrange those papers; and in executing the order, prepare also the defence of the first lord of the Admiralty. The evidence on both sides was contained in the papers that were called for. It was a most serious and important inquiry. The eyes of all Britain were now upon the conduct of the parliament, and therefore would it be wise, would it be right, would it be candid, to hurry a business which could only be done well by being done deliberately? It

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was surely right in the Admiralty to come forward in the business, and tell the House when they could have the papers ready: they did so; they said Thursday sevennight. The House then understood, that on Thursday sevennight the inquiry was to come on peremptorily; they were to have no further delays, and as this was but a single week, it could not surely be any great difference to gentlemen, or to the nation in general. It would be known, and perfectly understood, that it was to come on peremptorily on that day as now settled. In the instance of the inquiry in question, he took the charge to be twofold, and to consist of these parts: either that the earl of Sandwich, as first lord of the Admiralty, was in possession of important intelligence, which he neglected to take that advantage of which his duty to his country rendered indispensibly necessary; or, that the earl was destitute of that information which it was his duty to have procured; and that his not having procured such information had proved fatal to the interest of that state, in the administration of whose executive government he held a responsible situation. In order to make out either part of this weighty charge, a variety of papers had been called for, that were to serve the purpose of both sides of the inquiry; and to form a body of evidence, in which was to be found proof of the criminality or innocence of the party.

Mr. *Gascoyne* said, that no moment had been lost in the preparation of the papers at the Admiralty. As soon as it was known what were all the papers that were wanted, which was not till Saturday morning, they instantly set about collecting and arranging them for the copying clerks. On Saturday morning it was found they were so voluminous, that without taking all the persons in the office from the necessary detail of duty, they could not prepare them in time. Now, would gentlemen wish to bring on the enquiry without the papers; or did it look like management and manœuvre to come forward fairly, as soon as they saw they could not execute the order to the moment, and inform the House of the fact? There had been a great deal of abuse, and invective, and calumny, against the first lord of the Admiralty;—and there might be now a great deal of calumny—and a great many words about this delay—but words were but wind, and this House was full of wind. —It was certainly the most windy place in the kingdom, and as the sailor called it, there was a great deal of foul wind. He, however, did not mind it. No person with candour would say, that the Admiralty wished to shrink from the enquiry. They desired to have it; they wished that it had been made on broader ground, and not, as it was, confined to one line, and that a very narrow one. They hoped that they would have instituted an enquiry into the whole of the naval management since the commencement of the war. But he supposed the gentlemen themselves who had begun this enquiry, found that they had gone too far, and wished that they might get out of the disgraceful predicament of having made violent and unjust charges, session after session, against the board of Admiralty.

Mr. *William Pitt* said, that an assertion of the last gentleman's, who was one of the lords of the Admiralty, deserved the particular consideration of the House; since it was an assertion which the records of that House would fully and effectually refute. The hon. gentleman had said, that as soon as it was known at the Admiralty what were the papers wanted in this enquiry, which was not till Saturday morning, they set about preparing them. To shew the complete and disgraceful negligence of the Admiralty in this instance, he begged leave to quote, from the Journals of that House, the resolutions of Thursday last. He read those resolutions, fifteen of which were for the production of different papers necessary to the conduct of this enquiry. Here, then, was a detection of the assertion of the hon. gentleman; for by this it appeared, that the lords of the Admiralty, who attended their duty in parliament, knew of a great part of the papers that were wanted on Thursday night; and the board knew officially of them on Friday morning. The House would also see, that the papers called for were not in their nature voluminous, nor such as required much time for preparation. If there were not clerks in the Admiralty, why did they not procure more? But perhaps the principals in the office were not capable, without much time, and great leisure, of arranging, digesting, and preparing this mass of evidence. If so, let them confess it; confess the incapacity of office, and there was no doubt but parliament would be able to remedy even that evil. The business was plain and simple; the papers were to be copied and laid upon the table.

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It would not, in his opinion, require a labour of two days to collect, arrange, and digest the whole. And it was of a nature which the Admiralty ought to have foreseen as likely to be called for, and which might have been prepared during the recess. But the learned gentleman who had spoken immediately before the last speaker, had thrown a good deal of light on the business. He was a great crown lawyer, and therefore what he said must be attended to. He had called it a judicial enquiry. This he denied. A judicial enquiry it was not, nor partaking of the nature of the processes in the courts below. It was a great solemn enquiry by the House of Commons into one of the high departments of the state; it was an enquiry which the calamities of the empire called for, and which was necessary to the honour, the respect—nay, in his soul, he believed to the existence of the state. But the learned gentleman went farther, being a judicial enquiry, this crown lawyer declares, and the House must mark it, the lords of the Admiralty, in executing the order of the House, are in fact to prepare the charge against themselves, and this naturally requires some time; for, in preparing the charge, they must also contrive to frame the defence. These were the crown lawyer's very words. In executing the order, they have also to prepare the defence of the first lord of the Admiralty. Let it therefore be clearly understood, from his high authority, that as the lords of the Admiralty have to bring forward the charge against themselves, they must necessarily take time, and do it with deliberation, for they must also warp into the charge the defence. He must beg leave to differ with his right hon. friend, in his observation, that gentlemen remarking this conduct of the Admiralty would be fatigued in the pursuit, and give it up in despair. God forbid! No; they would on the contrary view it as a tacit, silent symptom of conscious guilt; they would, if they saw that there was a design to overthrow that by management which they could not resist if met fairly, consider the Admiralty-board as labouring under the conviction of delinquency; they would say that it carried with it strong symptoms of dark, latent, lurking guilt, which coveted concealment. That after all their sounding, proud boasts, challenges, and defiances, they sunk into mean and wretched pretences, hoping to secure themselves for a time from the infamy of that detection which must come upon them at last. Nay, that they were so fond of place, that for the sake of another week's life, they would fall so low as to practise a little manœuvre on the House, and live on the precarious and temporary acquiescence of parliament. However, upon the whole, he would rejoice if he could be satisfied, that according to the assertion of the learned gentleman, Thursday se'nnight should peremptorily be the day for enquiry; and that ministers would not then strive to put it off to a still more distant day.

Mr. *Martin* thought there had been time enough to prepare the papers in question, between the period of their being ordered and Thursday next, for which reason the delay, now moved for, appeared to him to be wholly unnecessary.

Lord *Mulgrave* said that it was impossible lord Sandwich could have been able to prepare for a defence during the recess, because knowing, as he did know, that his works were all in the most complete order, it was impossible that he could have foreseen where the attack would be made upon them. Gentlemen were not at all aware of the great labour that must attend the extracting and digesting the substance of the papers called for: it would be necessary to read over the correspondence or intelligence from abroad, for eight months past; perhaps in some sheets not above a line might be found relating to the object of the enquiry; perhaps in others not a word; but still they must be all read; and read only by the secretary or lords of the Admiralty themselves; because this intelligence, being of a confidential nature, ought not to be intrusted to the ordinary clerks in office: and let gentlemen think what they might to the contrary, he could assure the House, that if all the ordinary business of the board was to stand still, and all the clerks be employed in copying the extracts, they could not be ready by Thursday next. As to the idea that had been thrown out, that the board wished for an opportunity, or time to be able to bring forward papers, but at the same time withhold the real and substantial intelligence that the House required, all he would say was, that the first lord of the Admiralty who should dare to do such a thing ought to lose his head: all therefore that he wished for, was time to execute

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in the most full and ample manner the orders of the House, let the consequence be what it might.

The *Solicitor General* declared, that for his own part, he was so much an enemy to the production of those papers at all, he thought them so dangerous, and so improper to be given to the House, and consequently to all the world, that he wondered how ministers could consent to lay them upon the table. He was an enemy to the inquiry; for by such an inquiry, and the production of such papers, we destroyed the constitution itself, and lost all the benefits arising from an executive government, as distinct from a legislative. We might as well have all our operations against the enemy brought forward, weighed, discussed, and adopted in that House, as to produce all the secret communications of government. What was the hazard which we were to run in this business? We were to bring forward all the papers that had been sent to us by those very useful, necessary, and valuable people, who, at the hazard of their lives, and with death always before them, sent us accounts of every thing. It was very true, the substance only was to be given of their correspondence; but might not that be enough to point out who they were, perhaps in the councils of the enemy, or near them, who furnished us with the intelligence? Considering this, he wondered much, that ministers had allowed the papers to be produced at all; but having suffered them, it was certainly their next duty to take care, that in executing the order of the House, they did not suffer one line nor one syllable to pass which should endanger the country which they were appointed to protect. For this reason time must be given; they had mentioned the time necessary, and he did not see how the House could refuse the motion. He supported Dr. Marriot's idea of the business being judicial, inasmuch as it was ushered into the House with all the force of the most elaborate accusation, in a speech of the hon. mover of near three hours long.

Mr. *Burke* commented on the learned gentleman's speech with great address. The learned crown lawyer had positively declared, that his Majesty's ministers had in his opinion abandoned their duty and betrayed their country. They had annihilated the executive government entirely. If this was true, and in the learned gentleman's opinion it was, they ought instantly to be impeached, tried, and brought to the block. This being the learned gentleman's opinion, it was no wonder that he should object to the inquiry, for upon this ground the inquiry itself was unconstitutional. The hon. gentleman in very strong colours painted this curious argument, and he then answered the other assertions that had been made, contending, that the delay moved for was to him the strongest proof of the intentions of ministers, and that those intentions were to blast and defeat the inquiry. As to the fear of our spies suffering by any information given to this House, the place, dates, and names being suppressed, he could not see any danger arising to any of them from such a production. It was not the nature of secret intelligence to be prolix. Indeed, poor must his qualities as a spy be, who did not in a line or two suggest the whole of his business; long dissertations were not their talent, and the spy who went in such a round-about manner to work would deserve to be hanged by the minister here as well as the minister there. He had heard that words were but wind, and that they were here more windy than any where else; he believed the gentleman who had said so, meant to refer to the vote of this House; that the influence of the crown had increased, was increasing, and ought to be diminished. If the hon. gentleman meant to make their speaker a mere Æolus, that "clauso ventorum carcere regnet," whenever this inquiry took place, he would find that "Non illi imperium pelagi sævumque tridentem." He lamented Mr. Fox's illness, but declared if he continued ill, the inquiry ought to proceed, and even if the country was to suffer such a serious calamity as his hon. friend's death, it ought to be followed up earnestly and solemnly; nay, of so much consequence was the inquiry to the public, that no bad use would be made of the skin of his departed friend, (should such be his fate) if like that of John Zisca, it were converted into a drum, and used for the purpose of sounding an alarm to the people of England, in order to teach them, that the only means of saving the state was for that House to be rapid in inquiry into the conduct of the servants of the crown, and slow in voting away the money of their constituents.

Lord Mulgrave's motion for discharging the order of Thursday last, was then put and agreed to. He afterwards moved, That the House resolve itself into the said

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committee on the 7th of February, which was agreed to.

Debates in the Committee of the House of Commons on the Causes of the Want of Success of the British Navy.] Feb. 7. The House resolved itself into a committee of the whole House, to enquire into the Causes of the Want of Success of his Majesty's Naval Forces during this war, and more particularly in the year 1781. As soon as the committee was formed, the clerks, one relieving the other, read through all the papers that had at various times been laid upon the table, in consequence of motions made by Mr. Fox. The reading of these papers took up three hours. This being done,

Mr. *Fox* rose to move a resolution of censure founded on the facts contained in the papers. He said, that if they had been laid upon the table time enough to have been sufficiently perused by gentlemen, it would have been totally unnecessary for him to make any remarks upon their contents; for the mismanagement of our marine appeared so glaringly from the evidence of those papers, that they required no elucidation. But care had been taken, that they should not come before the House in such time, that the members could have completely digested them before it was necessary to ground any resolution on them; and they were produced in such order, or rather disorder and confusion, that it was almost impossible, after a cursory reading by the clerks, to combine the different parts that related to each other. It was on this account only that he thought himself excusable in making a few observations, which he intended to confine to four different heads.

But before he would touch upon these heads, he judged it not improper to throw out a few ideas to the committee, on subjects, which, (though they were at present out of the bounds of the inquiry he intended to press, the occurrences to which he should allude, having happened out of the year 1781, to which he meant to confine the inquiry for the present) were by no means inapplicable to the great object of the inquiry. The instructions given to sir Charles Hardy, to prevent a junction of the French and Spanish fleets, had not been laid before the House; and he had submitted to it, though he was not convinced by the reasons given for withholding them; but he must needs say, that if sir Charles was not instructed to prevent such a junction, though, at the time alluded to, we were not at war with Spain, it was an unpardonable, nay, a criminal neglect in the Admiralty. From the papers just read, it appeared indeed, that admiral Geary had received instructions for that purpose; but it was at a time, when there was every degree of probability, nay, when it was known that the fleets, which he was to have kept asunder, had actually joined before he received his orders. Such had been the diligence of the first lord of the Admiralty; such his attention to the interests of his country! Another thing very remarkable was, that from the 1st of January, 1779, to the beginning of March 1781, not one single frigate had been stationed off Brest, to watch the motions of the enemy. This was a circumstance, which, he was convinced, even the greatest enemies to the earl of Sandwich would scarcely have believed, if it did not stand confirmed by the papers that had been read; and what was still more singular than this omission, or rather shameful neglect, that when frigates were sent in the month of March to cruize off Brest, it was at a time when their cruize could not be attended with any useful discovery, for it was at a time when there was no armament carrying on in that port, all the squadrons which were intended for sea having long before sailed for their different destinations. He had moved for a list of the ships employed for the defence of Jersey, at the time of the attack upon that island; but the return made to his motion was far from being satisfactory, in fact it was no return at all; for having called for the ships employed for the defence of the island at the time it was attacked, the return made was a list of ships sent to Jersey, after the expedition against it had miscarried. Having said thus much by way of preface, Mr. Fox came immediately to the year 1781, to the naval transactions of which year, he confined the enquiry. In this year, he found four principal heads of accusation against the earl of Sandwich.

First: That he suffered comte de Grasse to sail for the West Indies, without making a single effort to intercept him. From the papers on the table, it was manifest that he had the best and most minute intelligence of the equipment, strength, and destination of the force under that officer; it was equally clear that he knew the time, or very nearly, when the comte was to sail; and yet not the least attempt was

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made to block up Brest; or give the enemy battle after they had set out. There were two circumstances which in this case rendered the first lord of the Admiralty highly criminal: one was that the object of comte de Grasse's expedition was of the most dangerous nature to this country: it was to destroy its empire in the west, and in some measure to blot the British name out of that part of the world; but great as these objects were, he was permitted to pursue them without the least molestation on the part of lord Sandwich.

The other circumstance which rendered that naval minister highly criminal was, that at the very time he had a force at sea, equal to the complete destruction of comte de Grasse and his fleet. Admiral Darby was then at sea with 30 ships of the line, well equipped, well manned, and in the best condition. But the evil genius of England would have it that the earl of Sandwich should send such orders to admiral Darby, as must necessarily leave a free passage for M. de Grasse; our fleet, consisting of 30 line of battle ships, put to sea the 13th of March, 1781; the French admiral, with 25 ships of the line, sailed the 22d; so that if admiral Darby had not been sent out of the way, there would have scarcely been a possibility of the latter avoiding an engagement with us, either before we got to Gibraltar, or on our return from it. But the earl of Sandwich, as if fearing that the French should be destroyed, sent orders to admiral Darby to cruize off the coast of Ireland, to wait for the store ships and victuallers, that were to join him from Cork. Here was he stationed till the 27th of March, before he was joined by the transports: in the mean time, the French continued their voyage without the smallest interruption; and what was the consequence? He really wanted words to describe it; the consequence was as dreadful as if London had been burnt; we had lost our islands; sir Samuel Hood had been defeated, or nearly so; and our losses and disgraces were completed by the surrender of lord Cornwallis's army at Yorktown.

He desired gentlemen to consider that the naval minister had it in his power to prevent all these disasters, and to have crushed them in the very embryo, by sending admiral Darby to meet comte de Grasse; but instead of doing it, he sent the British fleet to cruize in a quarter where it must be entirely out of the track of the French. It was not for want of intelligence of the designs, number and strength of the enemy, that he omitted sending admiral Darby to meet M. de Grasse; but it was after having had the most correct intelligence on the subject, that he sent our fleet to Ireland. He desired gentlemen would consider this, and say whether it was credible that it could have happened without treachery somewhere? But supposing treachery totally out of the question, those who should think so far favourably of lord Sandwich, as to suppose him incapable of treachery, must still in candour admit, that from the evidence contained in the papers just read, he was totally inadequate to the management of the navy of this country. No one could conceive the reason why a fleet of 30 ships of the line should be sent out of their way to Ireland to meet the transports from Cork, which ought to have been ordered to join the fleet in the Channel; if that had been the case, there was not a doubt but admiral Darby would have given a good account of the French; and perhaps he might have arrived time enough to fall upon the rear of the Spanish fleet, which, after a cruize of two months, was returning in very foul condition to Cadiz. It was a very great injury to our affairs, that comte de Grasse should not have been intercepted in the European seas; but still, an able first lord of the Admiralty might have seen, that it was not irreparable; for he might still have defeated the comte's expedition, by a proper detachment from admiral Darby's fleet. It was his business to have given orders to our commander to detach to the West Indies, if it should so happen that the Spaniards should not dispute the passage of the Streights with us. A minister of common foresight would have said to his admiral, either the Spaniards will fight you on your way to Gibraltar, or they will not. If they should not, then you will immediately dispatch a part of your fleet to the West Indies, to counteract the comte de Grasse. This would have been the language of a provident minister; but it was not the language of lord Sandwich. If he had so instructed admiral Darby, a detachment of clean English ships, without convoy, would have in all probability joined sir Samuel Hood before the comte's arrival; and in that case there was every degree of likelihood, that the French would have been defeated.

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The second head of accusation was the loss of the St. Eustatius convoy. It appeared, from the papers before the committee, that sir George Rodney had written to the Admiralty about this convoy before it sailed; and acquainted the board with the course it was to steer: this letter was received on the 25th of March. When it was received, it was well known to the first lord of the Admiralty, as the committee had learned from the papers, that a squadron was fitting out at Brest, the command of which was given to M. de la Motte Piquet. Admiral Darby was then lying off the coast of Ireland; but no orders were sent to him on the subject. Admiral Rodney's letter said, the Eustatius convoy was perhaps the richest that had ever been bound for England. Mr. Fox observed, that as to the riches that were on board of it, when he considered how they had been acquired, they were the riches, the loss of which, of all others, he should least regret; but still, as it was the duty of the first lord of the Admiralty to protect it, his neglect was alone sufficient to shew how disqualified he was for the office he held. The squadron under de la Motte Piquet had been a considerable time fitting out; very regular intelligence had been transmitted to the Admiralty, of the progress of preparations during the months of February, March, and April; and yet not one step had been taken to guard against it: and this was the more criminal, as we were at the time in almost daily expectation of the arrival of the Jamaica, as well as the St. Eustatius fleet: no preparation, however, was made to afford them protection: and all that was done was, that two frigates had been dispatched to meet them if possible, warn them of their danger, and enable them to avoid it, if they could, by making some port in Ireland, or going north about. One of the frigates fortunately fell in with the Jamaica fleet, which accidentally escaped the danger; but the St. Eustatius convoy was taken, at least in part, on the 2d and 3d of May. The convoy had been expected ever since the receipt of sir George Rodney's letter on the 25th of March, and lord Sandwich knew of the preparations of M. de la Motte Piquet, from the beginning of February, and yet no step had been taken to protect the one, or defeat the other; nay, so great was the negligence of the first lord of the Admiralty, that he never thought of making admiral Darby acquainted with the expected arrival of the St. Eustatius convoy, till the 10th of May; and then dispatched a frigate to him, to give him orders to sail to a particular latitude, in order to protect a convoy, which had been taken just seven days before the frigate had been dispatched to him: now the probability was, that this frigate could not reach admiral Darby in much less than a fortnight; so that near two months had elapsed between the receipt of sir George Rodney's letter, giving notice of the sailing of the convoy, and the time when admiral Darby got orders to sail for its protection.

He asked gentlemen, if this alone was not sufficient to justify any motion that he should think proper to make against the first lord of the Admiralty? There was only one excuse, which however poor for a naval minister, ought to be admitted in such a case as the present; and that was, that he really had not any force sufficient to cope with M. de la Motte Piquet; but poor as this excuse must be in the mouth of an English naval minister, lord Sandwich was not fortunate enough to have it; for it appeared from the monthly returns, that there were ships enough in port, which, from the month of March, when sir George Rodney's letter gave notice of the intended sailing of the convoy from St. Eustatius, to the latter end of April, might have been got ready. He read a list of the ships, and, including one or two fifties, there appeared to have been in our different ports 12 sail of the line, a force sufficient to have defeated M. de la Motte Piquet: he read also the returns from the guardships, stating the numbers on board, from which he proved, that if we had ships, so also we had men to put on board of them: so that he concluded, that the loss of the convoy could and ought to be attributed only to the mismanagement, or something worse, of the first lord of the Admiralty.

The third head of accusation was the letter from the Admiralty to the mayor of Bristol. Admiral Darby, as appeared from the papers, had acquainted the Admiralty, that he had fallen in with a Swedish brig, the master of which had informed him, that he had been boarded by a frigate, under Spanish colours, belonging to the combined fleets, which were then in the Channel; and that in consequence of this intelligence he had thought proper to return up the Channel for or-

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ders; and had put into Torbay. And here it was to be observed, that the master of the brig was an Englishman, who would not deceive his country, and whose journal confirmed his story. How did the first lord of the Admiralty answer this letter? In an insulting manner, telling the admiral he did not believe the intelligence; and adding if the account had been true that the combined fleets had appeared in such a latitude, admiral Darby must have seen them. In answer to the mayor of Bristol, he said that the combined fleets were not in the Channel, and that admiral Darby had put into Torbay only to water. This he must have known at the time to have been a falsehood; for the admiral in his letter assigned a very different reason for returning into port, so that it looked as if the naval minister wanted to ensnare the trade of Bristol by inducing the merchants to send their ships to sea, that he might deliver them into the hands of the enemy, just as he had sent captain Moutray into the hands of admiral Cordova. But to shew how completely the Admiralty either had been deceived itself, or had deceived the mayor of Bristol, it appeared that lord Stormont had, on the very day of the date of the Admiralty letter to the mayor, sent an express to lord Carlisle, with positive intelligence that the enemy was in the Channel.

The fourth charge related to the management of the Dutch war. That war was, he said, of all foolish, absurd, and mad undertakings, the most foolish, the most absurd, and the most mad. It had been represented to that House, in order to get them to approve of the war, that the Dutch were in a most defenceless state; that there was a very great party for us in Holland; and that we had only to make a vigorous effort in the beginning, to give that party the superiority in the councils of the republic. Upon such a state of the case, would not any one have expected, that the naval minister would have signalized the outset of the Dutch war by an appearance of an English squadron in the Texel? An attack might surely be expected to be attended with every success that we could wish for; but nothing was more foreign to the intention of the earl of Sandwich: he suffered the enemy to equip those ships which he might have destroyed in the Texel; and then brought them to an action, which certainly redounded greatly to the honour of admiral Parker and his officers, and of the enemy too; but which was far from ending in so decisive a victory as might have been expected, over an enemy who was represented as weak and enervated. In this case also, as in that of the St. Eustatius convoy, the earl of Sandwich had many ships which he might have sent to reinforce admiral Parker: the Sampson, of 64 guns, was one, which, instead of sending directly to the admiral, the earl of Sandwich sent to the grand fleet, to which place she was to be sent for, if wanted. Here he took an opportunity to retract a thing which he had asserted, in a former debate, viz.—that it was mere chance that had made the Berwick fall in with the squadron in the North Sea. This he found not to be true, for it now appeared that it was by order of the Admiralty she had joined the squadron. The squadron under a very gallant friend of his, and a member of that House, captain Keith Stewart, had been kept in the Downs for the purpose of watching the Dutch; how well they had been watched, the safe arrival of admiral Byland had proclaimed to the world: yet in this, he presumed his gallant friend was not to blame; at least, he had never been called to an account for it.

As an epitome of all the other charges, he subjoined a fifth, drawn from the latest circumstance, that of the meeting between admiral Kempenfeldt and the Brest fleet. He read the names of the ships which might have been sent out to join our rear admiral; and which, including the squadron in the Downs, made about 20 sail of the line. With this force which might, he said, have been sent out, it was not to be doubted but through the known bravery and abilities of admiral Kempenfeldt, we should have completely destroyed the French fleet and convoy.

He concluded, by observing, as he had done already on a former occasion, that his first motion ought to be for the removal of the earl of Sandwich from his Majesty's councils; but he thought it inexpedient now; he would first move a censure upon him, and if he should carry that, he would follow it up with an address to the King, which no doubt would have its effect; and then undoubtedly, he would pursue the inquiry through every part, when the minister whose administration should be the subject of it, should no longer be vested with the power to defeat it. He then moved, "That it appears to

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this committee, that there was gross mismanagement in the administration of naval affairs, in the year 1781."

Lord *Mulgrave* expressed his surprise at hearing a motion which could not be passed but in direct opposition to the mass of evidence, which the committee had heard read. He trusted, however, that though there had been found one member who was not afraid to fly so openly in the face of evidence, there would be very few who would support him. In common questions in that House, gentlemen might make it a point to adhere to their leader, and carry him through with every thing he proposed: but in such a case as the present, he conjured gentlemen to reflect how improper, how unjust, how unfair it would be to pursue such a principle, when the private honour, character, situation, and fortune of an individual was at stake: upon these they were going to give judgment; and he trusted that all party considerations would be absorbed in the sense of their own private honour and conscience; and that the principle of Mr. Grenville's law in the decision on contested elections would be found to operate in the present case. Much had been suggested about treachery; to that he would make no reply, because he was convinced that no one in that House believed it, nay not even the accuser himself. Much had also, on many occasions, been said of the regard the noble earl, whose conduct was the subject of the inquiry, had for situation, and the great desire he had to retain and preserve it: but might it not be inferred from this, that it was improbable he should do any thing by which he might forfeit that situation? If he had an interest in preserving it, might not those who charged him with mismanagement have an interest in driving him from that situation? They certainly might: and therefore gentlemen should be on their guard, lest they should mistake in the enemies of the earl of Sandwich, a fondness for his situation, for a love of justice. The hon. member blamed the Admiralty for not having stationed frigates off Brest, from Jan. 1779 to March 1781. The fact was truly stated, but no charge ought to be deduced from it; because little or no intelligence could be procured by frigates looking into Brest, unless they had been there stationed from a squadron, as it were, to dare the enemy to come out; the reason why, in other cases, no benefit could be derived was this, the frigate must pass by Ushant, and immediately signals would be made along the coast to Brest, to give notice of every thing that was in the offing; and ships would be sent out to drive away the frigate. Another charge made by the hon. member was, that no ships had been stationed off Jersey to protect that island. If the gentleman knew what a dangerous station it was for men of war, he would not be surprized that there were none stationed there in winter. The people on the island had been always given to understand, that in case of a sudden invasion, they must trust to the forces on the island for defence in the first instance; and that, on the first intimation in England of their danger, relief should be instantly dispatched to them.

With respect to his first great charge, relative to the sailing of comte de Grasse, the evidence which had been read, sufficiently pointed out a reason why he had not been intercepted. The relief of Gibraltar was looked for by the whole nation; and from the best intelligence, which the committee had heard read, it was understood that the Spaniards intended to meet us, and give us battle. The intelligence had held this language for two months: the Spanish force was sometimes varied in the accounts; but the force was generally fluctuating from 30 to 36 sail of the line, besides frigates, and 18 fire-ships, collected for the purpose of burning the British fleet in passing through the Streights. To oppose such a force, it was highly necessary to get together a fleet that should put it out of the power of chance to defeat our expedition: such a force was collected: and would it have been prudent to have risked the loss of Gibraltar on the bare chance of meeting with M. de Grasse? Would it have been consistent with the spirit of the nation, to have taken any step that would look as if we had been bullied out of our purpose of relieving Gibraltar, after the Spaniards had in a manner challenged us, after they had thrown down the gauntlet, when they drew their fleet in line of battle across the mouth of the Streights? All Europe looked at the time for an engagement between the two fleets; the Spaniards were sure of it; and, when the British fleet appeared in sight of Gibraltar, the besiegers could scarcely believe their eyes; and on that day they first opened their batteries against the town. In the mean time our fleet in the West-Indies had not been forgotten; information was dispatched to sir Samuel

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Hood by a frigate, of the sailing of comte de Grasse; and when the latter arrived, he did not feel himself so superior as the hon. member seemed to represent him, for he three days constantly refused the challenge which sir Samuel was daily giving him to renew the engagement. But, the hon. member would say, why were not some ships detached to the West-Indies from admiral Darby's fleet? The reason was obvious; it was upon that fleet alone we had to depend for the defence of our coasts, the protection of the Channel, the safety of our convoys, and the annoyance of the Dutch.

As to the second charge, the loss of the St. Eustatius convoy; he would say that there had been much more reason to suppose that M. de la Motte Piquet was bound for America, than for the coast of Ireland; but that as soon as his real destination was known, two frigates had been dispatched to meet the Jamaica fleet and the St. Eustatius convoy: one of them was fortunate enough to fall in with the former, which went north about, and escaped all danger: unfortunately, the other frigate did not meet with commodore Hotham; and the misfortune, which it was the wish of the Admiralty to avert, fell upon the convoy. The hon. member ridiculed the idea of sending a frigate to admiral Darby long after the capture of the convoy; but the convoy was very near being re-taken; for as soon as the frigate reached the fleet, admiral Darby was detached with ten sail to look out for M. de la Motte Piquet; and he came so near him, that one night a ship of each squadron had a very sharp engagement.

The third charge, relative to the combined fleets, and the letter to the mayor of Bristol, was of much less weight than the gentleman seemed to think; and, first, as to the combined fleets; the master of a brig said he had been boarded by a Spanish frigate, and that she belonged to a very large fleet of men of war; the Admiralty did not believe the intelligence. Truly, it would be a dangerous thing to be in office, if a minister was to have a charge made against him in parliament every time he should be found not to have believed the story that should have been told him by a merchantman! Oh! but the master of the brig was an Englishman, and therefore his intelligence might be relied on. This war had afforded instances that an Englishman could betray England as well as an enemy could. Well, but his journal confirmed his story. Yes; but it was possible it might have been made for the very purpose of confirming the story. The reason why the Admiralty did not believe the intelligence was, that it was directly contrary to the whole tenor of the information they had from Spain; from which it was conjectured, that most probably a part of the fleet was cruizing off cape Spartel, while another part was sent to Minorca. On the other hand, the Admiralty supposing the master of the brig not to have imposed upon admiral Darby, accounted for the fleet he had seen at a great distance, in this manner: just about that time a very large convoy of 100 sail of transports was to sail from the isle of Rhé, and might at the time be just in the latitude, in which the master of the brig said he saw a large fleet. It was upon this principle that the answer to the mayor of Bristol was made, and not for the purpose of decoying the trade of Bristol into the hands of the enemy, just as captain Moutray, as the hon. member was pleased to say, had been sent to deliver up his convoy to the Spaniards. As to capt. Moutray, (it was with real concern of mind he said it) he was censured by his judges for his conduct in that affair; and indeed it was not without pain that he heard that officer's name mentioned so often with very little respect; because, until that fatal day, when he lost his convoy, his name stood high and unblemished in his profession; and, therefore, he had rather pass his name over in silence, than speak disrespectfully of a very gallant officer. The loss of the convoy might be attributed to the merchants, who had ordered their ships to touch at Madeira for wine. He did not blame admiral Darby for returning to port for orders; on the contrary, he thought he acted for the good of the service, and consistently with that judgment and skill which he displayed in the expedition to Gibraltar. There were two reasons why he would neither blame the first lord of the Admiralty for having told the mayor of Bristol that the fleet had put into Torbay, only to water: one was, that he did not think it necessary that the mayor should be made acquainted with the reasons of our manœuvres at sea: the other was, that the admiral had in one of his letters said, he would put to sea again with the first fair wind: this did not look like an intention in him to remain cooped up in Torbay.

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The fourth charge had perhaps less in it than any of the former. The reason admiral Parker did not stop before the Texel to prevent the Dutch from coming out, was, that he had a very great convoy to carry out, and another still more valuable to bring home: perhaps, indeed, this latter might be called the most valuable that had ever reached England; for it brought us home naval supplies of all sorts, sufficient for the exigencies of our whole navy for two years. He was free to confess at the same time he did not think it would be a very great mark of prudence in government to station a fleet in the Texel; he had never indeed served in the North Seas; but still was of opinion, the Texel would be too dangerous a station for a squadron. The uncertainty of the latitude in which the vice-admiral might be met with, was the reason why the Sampson had not been sent to him directly: but she was sent to the Gun Fleet, where the admiral was acquainted by a frigate, which sailed before the Sampson was ready, she might be found, if he should stand in need of her. His lordship expressed his satisfaction, that the hon. member had discovered his error, with respect to the Berwick: from that circumstance, however, he hoped gentlemen would learn not to trust much to the hon. member's assertions, as they had now a proof that he often made them without any grounds; and he flattered himself that they would require sufficient evidence for every assertion made; though evidence was a thing which the hon. member did not seem much inclined to wish for; it was his worst enemy, as it detected in many instances, where he expected that his friends would swallow his assertions, for proofs; they had now a very recent instance that if they did, they would be the dupes of their own credulity. With regard to admiral Kempenfeldt's cruize nothing new came out: that subject was so much discussed before the holidays, that not any light was thrown upon it.

As to commodore Stewart, to whom the hon. member had alluded, his character did not stand in need of his praise; and therefore it was unnecessary for him to say, that he was a gallant and an able officer. If the station, in which he had been placed by the Admiralty, had not appeared to him the most proper for watching the Dutch, he would have remonstrated against that station; and as he did not, it was flattering to the board that an officer of his judgment should approve of the station. If, on the other hand, he did not intercept admiral Byland, there was every reason to believe that it was because the thing was impossible. Gentlemen would consider that tracks at sea were not like roads on shore, where there were turnpikes, at which those whom we might wish to secure must pass.—His lordship concluded by observing that the committee were going to pronounce on the character of an old and faithful servant of the crown; and as he trusted that in either acquitting or condemning him they would be swayed only by evidence, so he trusted that they would find in the papers that had been read to them, ample evidence of the innocence, merit, and activity of the earl of Sandwich.

Lord *Howe* apologized to the committee for not being so well acquainted with the contents of the papers on the table as he could wish; but from what he had heard in the course of the debate, as well as from the extracts which were read, he begged leave to offer some remarks. In the article of frigates being stationed to watch off Brest, he had the misfortune of differing with the noble lord (Mulgrave) even in his professional line, as he looked upon frigates sometimes to be necessary, and sometimes to be used with safety. No doubt quicker and more certain intelligence was generally to be gained over land, but frigates could tell whether an enemy had sailed out of harbour or not, and consequently give that intelligence to the main fleet. From this his lordship animadverted rather on what a board of Admiralty should do, than what the present board of Admiralty had done. Here he went into a number of naval minutiæ; he particularly observed, that much should be left to the discretion of a commanding officer of tried skill and integrity, as so many things depended on the instant, which the board of Admiralty could not possibly know of, which, if neglected, the same occasion might never occur; he seemed to apply this last remark to the conduct of the Admiralty towards admiral Darby, as if sufficient powers were not given him at the time he put into Torbay, when the combined fleets were out. On this point his lordship took occasion to mention an anecdote of admiral Darby, very much to his honour; he said, that when that admiral was but a lieutenant of the second deck under admiral Rowley, he was pointed out to him, after a very

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severe action, as an officer of such distinguished merit, that though all over bruised and wounded with the splinters occasioned by a cannon ball, he refused being carried down to be dressed, but stood to his quarters during the whole of the action. This he thought it his duty to mention on the present occasion, and to remark at the same time, how mortifying it must be to a brave man to fly from an enemy. To decline fighting was in some respects a degree of prudence, but though we were unhappily engaged in so general a war, it could not be always defensive, the time would come, when we must act on the offensive, let the risk be never so great, and perhaps it was better to do it in time, lest the consequences may be more fatal. —In respect to the affair of admiral Kempenfeldt, he saw it in quite a different light to what the noble lord did. If an enemy was preparing a force, no matter of what description, it was the business of the board of Admiralty to know, as far as they could, what that force consisted of; and if they could not precisely ascertain that, to take care to send out a fleet rather superior than otherwise. But it appeared that the Admiralty knew of 17 or 18 sail being in readiness; they therefore had a right to conclude a junction of the whole, and be prepared for them. No such conduct had been adopted; on the contrary, 12 sail of the line only were sent, and the excuse for that small number was, that no more ships could be spared. Admitting this last excuse to be true, he then would ask, why they were sent at all? as it was confessed by the noble lord it was very uncertain whether they could meet with M. Vaudreuil; and he could add, having met with M. Vaudreuil, it was very providential they were not all captured.

Mr. *Webb* condemned the Admiralty, but particularly with respect to ship-building in merchants' yards. He said he was glad to find that what he had said before on the occasion had produced a good effect; for now he found that contracts had been made in all the yards in the river; in one for a ship of 90 guns. There were a great many ships on the stocks: he had a list of them in his hand: they amounted to 35; but he believed not more than 10 of them could be launched this war, were it to last for seven years. The Royal Sovereign at Plymouth had been in her frame these seven years, and was now completely rotten. He would recommend it to the board to give some expedition money to the builders, and they being enabled to employ more hands, and give better wages, would launch ships in a very short time; by these means the Shrewsbury had been built and launched in 14 months. A builder at Bristol had built, with great dispatch, a ship of 50 guns, and was promised a contract for another of 64; but when the former was completed, he could not obtain the contract for the second, though, on the promise of it, he had purchased 10,000*l.* worth of timber; and now the yard lay idle. Much had been said about the high price that Mr. Wells had demanded: from what had been said, he really had imagined that the price was exorbitant: how greatly, therefore, was he surprised to find it was no more than 2*s.* 6*d.* per ton, the price for ships of 74 guns being 17*l.* 12*s.* 6*d.* for ships of 64, 17*l.* 10*s.* It had been said, that the proud stomach of Mr. Wells had been brought down; but in fact it was the proud stomach of the Admiralty that had been brought down, by coming up within 2*s.* 6*d.* of Mr. Wells's price; the navy was the only, at least the principal instrument of our safety; and as he found it did not increase in the hands of the present first lord of the Admiralty, he would vote for the motion.

Mr. *John Townshend* spoke in favour of the motion. He reprobated the first lord for sending out a frigate to desire our fleet to go north about, which was a plain indication to them, that we were not able to send a force able to cope with six sail of the line. He reminded the House of lord Sandwich's declaration in the House of Lords, and affirmed, that he was confident our navy could never flourish while he was at the head of it, as most of our able admirals were driven from the service.

Mr. *Penton* defended lord Sandwich. He insisted that the whole force of the nation had been exerted, according to the best advice the Admiralty could get.

Mr. *Pitt* shewed the fallacy of Mr. Penton's argument respecting the whole force being employed, when it was plainly proved, that a considerable part of our marine lay idle at the time the small reinforcements were wanting: he was of opinion, that a motion to remove the first lord would have been much better.

Lord *North* got up to give his negative to the motion. He declared, that lord Sandwich, since his coming into office, had got a better supply of timber, a greater number of ships, than were em-

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ployed last war, and had proved himself a steady friend to the public. It was unjust to decide upon his merit by a partial enquiry of four facts, which had been stated, but which he by no means would allow to be proved. He was of opinion, the motion for lord Sandwich's removal was far more just than the present one, which seemed to be framed and determined upon before the papers to give the information were read. The noble lord admitted that many of our best officers were unemployed, and disgusted, but it by no means appeared that they had any just cause for their disgust. Ministers were charged on mere suspicion: no proof whatever was given, and upon this conjectural accusation the House must decide.

Admiral *Keppel* confirmed lord Howe in every argument he made use of, and gave his hearty assent to the motion.

Sir *Fletcher Norton* declared, that it was his intention not to have spoken, but to have left it to abler hands; but when he observed professional men, and those of the first authority, give their sentiments, so corresponding with his own, he could not sit and give a silent vote. He then entered into the business with much judgment, and gave his hearty assent to the motion.

Mr. *Sheridan* commented on what had fallen from lord North; particularly the expression, that though there were many of the best officers disgusted, they had no cause of disgust. He condemned the noble lord for expressing such language, at a time when all the world knew and felt the treatment which the veteran commanders of the fleet had experienced. The hon. gentleman declared his abhorrence of language so disrespectful and unbecoming, after their shameless behaviour, by which their country had, in its worst moments, lost the benefit of assistance from such distinguished characters as a Keppel, a Howe, a Barrington, a Parker, a Harland, a Pigot, a Byron, and all the others whom they had driven into retirement. He repeated many of the gallant actions of these men, and spoke in high terms of the just influence which they possessed in the navy, and the credit which they had with the people. The present was a time to speak out. Men must not now, from reasons of personal prudence, keep from the knowledge of their country, the reasons which induced, or which constrained them to relinquish the service. There were several of these officers then present in the House, and he hoped they would now rise, fired at the insult offered them by the expression of the noble lord in the blue ribbon, and explain fully and clearly the reasons which they had for withdrawing. One of those admirals (Keppel) had given that explanation. His reasons had been too evident to require disclosure; but there were other distinguished admirals in the House who had not been so explicit, and of whom all the world entertained the highest opinion. From their accounts the House would see whether there was either decency or modesty in the language of the noble lord; and also whether, after such behaviour to men so eminent, it would be either just or prudent to suffer the earl of Sandwich to continue in place; for he was a man born for the destruction of the British navy.

Admiral *Pigot* stated in a manly and clear manner the conduct of the first lord of the Admiralty towards him; by which it appeared that lord Sandwich having first solicited him to serve in the most flattering terms, had offered him a command by letter which he had the day before given to another officer, admiral Gambier; that afterwards, on the breaking out of the French war, on admiral Pigot's renewing his offers to serve, the first lord of the Admiralty asked him directly for his interest in the India-house, the charge of the murder of lord Pigot his brother, being then brought against the friends of lord Sandwich. On the admiral's refusing, lord Sandwich told him with a sneer, that he would acquaint his Majesty of his readiness to serve him,—and from that hour he was never applied to more!

Mr. *Fox* concluded the debate with a speech of considerable length, in which he animadverted with his wonderful powers on the puerile and absurd arguments advanced in contradiction of his motion. He particularly adverted to the arguments and assertions of lord Mulgrave, and after replying to every material matter that had arisen in the course of the debate, concluded with a forcible appeal to the independent members of the House to assert their privilege, and by a full and manifest declaration of their sentiments, be instrumental to the salvation of their country.

The committee divided. Yeas 183, Noes 205. Majority 22.

Feb. 13. Mr. *Fox* said that a circumstance had occurred to his mind, which he

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did not think of at the time when the debate of Thursday last was concluded; and that was, that the Resolution he had that day moved in the committee, relative to the mismanagement of the navy, could not be entered, as the proceedings of a committee must be reported to the House, before they can find their way into the Journals; and as in the case he alluded to, the committee had not come to any resolution, his motion having been negatived, there was of course nothing for the committee to report. He was resolved, however, at all events, that his motion should appear upon record, and go down to posterity; and therefore he then gave notice, that on Wednesday next, he would move in the House, a resolution, substantially, if not literally the same, as that which, on Thursday last, had been rejected in the committee.

Feb. 20. Mr. *Fox* rose to call the attention of the House to a motion which he had intimated against the Admiralty-board: but he would not trouble the House, he said, with all the arguments that had been so well and accurately stated by many gentlemen in the committee, respecting the most shameful manner in which our naval affairs had been conducted of late years, for he saw no reason for it; every thing that ministers had advanced in favour of the earl of Sandwich had been so ably answered, that he was confident every gentleman was satisfied in his own mind, and he trusted that there were scarce two opinions in the House. The very respectable number that had divided on this motion in the committee, although not successful, would, in any other administration but the present, have been looked upon as a majority, for it certainly contained the voice of the people; and no minister, but the present, would think of continuing a man in office, whom the voice of the people was so much against, and with so much justice. He had been informed, he said, out of the House, that many gentlemen would have voted with him in the committee, but his declaration of following up his motion, if successful, for the dismission and punishment of lord Sandwich, had deterred them; now he hoped no gentlemen would mistake him, for they were all different and distinct propositions; they might vote for one, and reject the other: but he begged leave to caution them against being lulled into a belief of redress; for a report had been industriously spread, that lord Sandwich was to retire; that report was therefore calculated merely to serve the particular purpose of the day, and throw gentlemen off their guard: but what faith was to be put in the minister's promise was plainly to be seen by his former conduct. At the beginning of this session he promised that the American war should be conducted on a narrower compass, and that it was to be a war of posts; but no sooner was his end answered, and the supplies voted, than he changed his tone, and that brave, gallant, and judicious officer, sir Guy Carleton, was appointed to carry on that war. To be sure, to appease the people, one of the chief leaders of that war had been removed;* but what was the consequence of his removal? a person was appointed in his stead who was a known friend to the American war, and a staunch supporter of it ever since it first began. Therefore, as we found the minister's promise was not to be relied on, we should not let the opportunity slip, but while we had it in our power we ought to have exerted ourselves in doing our country that justice which it loudly called for. He begged gentlemen not to imagine that his proceeding in this business was in any shape personal against the noble lord who was at the head of the Admiralty, nor that it tended to any criminal proceeding. He had nothing to say to the earl of Sandwich; it was to the board of Admiralty; and gentlemen ought not to be induced from personal regard to that noble lord to fail in the execution of their public duty. He therefore hoped every gentleman would lay his hand upon his heart, and he was then confident they must be of his opinion, and would vote with him, "That it appears to this House, that there has been great Mismanagement in the conduct of his Majesty's Naval Affairs in the year 1781."

Earl *Nugent* said, he should oppose the motion, as he was confident the House was not competent to judge upon the question; it was a professional question, and turned upon our naval affairs in one particular year, which the hon. gentleman had

* On the 11th of February lord George Germain, disagreeing with the other members of the cabinet on the future conduct of the war, resigned his office of one of the principal Secretaries of State, and was raised to the peerage by the title of lord viscount Sackville. His office was bestowed on Mr. Welbore Ellis, afterwards lord Mendip.

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thought proper to select from all others, as the most applicable to his purpose. The motion comprehended two questions; first, had there been neglect in not procuring a navy equal to what we ought to have? And next, was that navy employed as it ought to be? With respect to the first question, he trusted there was no immediate proof before the House, but that our navy was superior to what it ever had been in any former reign; but we had a much greater foe to contend with; the whole House of Bourbon, Holland and America were all at war with us, and it seemed to be a turn in politics. They had not proof of guilt before them; and therefore not being able to condemn, they must acquit. With respect to the second question, whether the navy had been exerted to its utmost, he trusted it had, and he was certain no proof by the papers on the table appeared to the contrary; but he was free to confess, that there was a want of unanimity. The navy was distracted, many of our most able officers were not employed; this arose from private pique, which he most sincerely hoped every person would totally divest himself of, and not think of lord Sandwich; let them weigh well all the services which had been performed for a series of years in the navy, and then say, whether they could vote for the present question; let them recollect that the noble lord had filled the store-houses of England at a time when they were perfectly empty; that he had broken asunder a combination of the workmen in the yard; and that he had in a thousand instances displayed the utmost vigilance and activity. He begged them also to recollect, that they were not competent to decide upon it, he would again assert, for they were not judges of facts in naval affairs; yet they were called on to decide and judge a man's actions, of which they were total strangers.

General *Conway* said, he rose to give his hearty assent to the motion, as he was convinced of its being founded on the strictest principles of truth. That our naval transactions of the last year were disgraceful, was beyond a doubt: we were fallen from that pitch of greatness which a wise administration had brought us into, into the most profound contempt, and were become the scorn and ridicule of all foreign powers. To complain that we had a greater foe to contend with than in any other former war was saying nothing; for why had we precipitated ourselves into the war? Had ministers not been apprised that it would be so? Had not gentlemen told them what would happen? In short, could any persons, but those who wished to shut their eyes, not see, that in our war with America we should draw on us the House of Bourbon, who would by our quarrel extend her trade as she diminished ours? But administration were determined not to see, or, if they did, they were determined not to profit by what they saw. They had been guilty of delusion to the people; they had first promised that America should not be taxed, and directly began to tax her; they next, to gull the country gentlemen, declared America should be taxed, but immediately dropped it: thus they deceived the people, and endeavoured to carry on a war which, in every point of view, must from its extent be the ruin of this country. To subdue three millions of people at a distance of 3,000 miles, was what would take up the whole of our navy, without being at war with so many other foes. The noble lord who spoke last had said, there was a want of unanimity, and that in short was the cry of all the minister's friends. What unanimity, in the name of Heaven, did they want? Had they not all the money they asked for? Had they not all the force of the kingdom? Had they not every thing that could be wished? Then surely they had unanimity as far as it could be granted. But could any man tell him, that, where ministers were pursuing ruinous and destructive measures, the people should be unanimous with them? Surely not. With regard to our navy being distracted, who had caused that distraction? Why, the first lord of the Admiralty. Certainly, then, he was a fit person to be dismissed. With respect to divesting himself of any personal pique, he could not say there was occasion for it, for he owed him none: but, on the other hand, he was taught to look up to him with respect, as a person upon whom his Majesty had heaped, in the most unlimited manner, favours; yet was that a reason why he should not pronounce him guilty when he thought him so? It was not now a question, whether lord Sandwhich should lose his place, but whether the public interest should be sacrificed to continue him in office? With respect to the minister breaking his promise, that was evident for his favourite war, which he never could find a name for, and the reason for which was obvious; for had he

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done so, he would have been tied down to that; but not having named it, he was at liberty, after having got the supplies, to continue in what manner he pleased, and that it was meant to be continued with vigour, he was confident, from the appointment of that brilliant commander, sir Guy Carleton, who, he was sure, would not be an idle commander; he would not carry on a defensive war, a war of posts; no, his spirit was too well known, and he should glory to see him engaged in any other service than the present.—But to return to the question, there was a shameful neglect in the Admiralty-board; he had, himself, in his official capacity as governor of Jersey, applied for a small naval force, not always to be stationed off that island, but occasionally to shew their face there. That would undoubtedly have prevented the attack which had nearly, owing to accident, proved fatal to the island. It was a well known fact, that large fleets would, under the convoy of only a frigate, and sometimes only a cutter, anchor in sight of the island, and lay there 24 hours, which would be prevented, was ever so small a naval force kept there. He begged leave to mention one more circumstance, which was, that by accident he had become possessed of the journal of De Grasse's fleet, which plainly made it appear, that the weather, when he sailed, was perfectly calm and serene; that he proceeded unmolested; that his force consisted of 25 sail of the line, with 180 transports, besides several ships armed *en flute;* that one of his convoy was so bad a sailer, that he was obliged, in the Ville de Paris, to tow her along; and owing to many others of his fleet being sluggish ships, he was a considerable time making his voyage. Therefore the Admiralty, having let him slip by, might have gone after him, and with clean ships arrived before him. They ought to have made the relief of Gibraltar a secondary object; and by intercepting that fleet, have saved the West-Indies. Again, with respect to admiral Kempenfeldt's fleet, was it not a shameful neglect to send so inadequate a number of ships? Was not all this neglect; and under those heads were not the noble lord's divisions of the question both answered? There had neither been foresight in the preparation of fleets, nor wisdom in the direction of them. Had the dearest relation he had been guilty of such abuse to a state as lord Sandwich had, he would freely give him up, and not think himself justifiable in defending him.

Lord *Mulgrave* said, he was surprised to find, after so late and honourable a division in favour of the Admiralty had passed in a committee, that the same question should be urged again in the House; he was likewise surprised to hear gentlemen say, that we were become the scorn and ridicule of foreign powers; in his opinion, the reverse was the fact: he believed, that from our great exertions against so powerful an enemy, all nations looked on us with an eye of admiration and envy. The first lord of the Admiralty had, by meritorious acts, profound foresight, and unremitting diligence, procured a greater quantity of timber and naval stores than were ever in our yards at any one period before: that with respect to the not sending admiral Darby to cruise off Brest, for De Grasse, he had before in the committee declared, it was highly politic; he still thought so, and always should. The affair of admiral Darby's return into port, and the letter wrote to the mayor of Bristol, he should say but little about, they did not deserve any comment; such orders were given as proved and justified the event; and so near did it appear was admiral Darby's squadron, which he left to cruize for the protection of the Eustatia fleet, with falling in with that convoy, that one of his ships actually fell in with and engaged a part of them. The next charge he meant to defend, was, sending out admiral Kempenfeldt with only 12 ships that were ready; and had he waited longer for a reinforcement, he would have been too late, for he just fell in with them as they were proceeding, and he trusted had defeated their purpose, It had been urged, why did not the Admiralty let some ships cruize off Jersey? The reason was, that it was so near Brest, the French could always send a superior force to what we had, and therefore no good could ensue. He concluded with paying the first lord of the Admiralty some very high compliments. During the whole of his administration, he had distinguished himself for his prudent foresight, his unwearied attention, and his vigorous exertion: in particular, he had repaired 147 ships during the eight years he had presided at the Admiraity-board, whereas not half that number had been repaired during the 16 years that preceded that period.

Sir *Horace Mann* would by no means

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allow, that our navy had been exerted to its utmost; if it had, it must have shewn itself in a different manner: he contended that we were every where disgraced, and he could not, with an honest face, go to his constituents, did he not vote for what was so plain to every person that would take the least trouble to look into the papers on the table. He had lately come from the continent, and it was the universal language there, that our navy was badly conducted.

Mr. *William Pitt* rose, and after apologizing to the House for troubling them upon a business that had been the other evening so ably discussed, said, he could not help declaring, that while such glaring proofs appeared, of the shameful mismanagement of naval affairs, it was improper to continue a man in office that had been the author of those disgraces. There had been sufficient time, by the intelligence they had received, to counteract De Grasse's design, and defeat the end he was sent for, which had proved so disastrous to this country; for the army he carried had been the means of capturing the army under the brave Cornwallis; but we had got quite familiar to losing armies by wholesale, and to disgraces in every quarter. He laid his hand upon his heart, and declared, that he thought the whole of the proposition fully, clearly, and expressly proved. He had no personal pique against the noble lord, and he was sure, that if gentlemen were to speak their genuine sentiments, they would all confess with him the truth of the proposition now before the House. With respect to admiral Kempenfeldt's sailing with 12 ships only, it was a measure in which the Admiralty were highly culpable, as it appeared, by the returns from the different ports, that there were three ships at Spithead ready for sea, at the same time that admiral Kempenfeldt sailed, which would have made him more equal to risk a battle. The taking the transports was a mere matter of chance, and added nothing to the credit of the Admiralty. The disgraceful, but necessary flight of admiral Darby from the combined fleets, would for ever be a stain on this country; and the conduct of the Admiralty, in disbelieving the advice of their own admiral, was one of the greatest insults they could have offered.

Mr. *Dundas* was surprised to hear gentlemen argue against facts: he was called on, he said, to vote in the lump for a whole mass of matter, nothing of which had been proved; he denied that any paper that lay on the table justified the motion; the hon. gentleman who made it, and the rest that followed him, seemed particularly happy to argue from events, after they had happened, and which, probably, it was out of the power of human wisdom to foresee; he was confident that all the naval force of this country had been applied as well as possible, and had admiral Darby cruized off Brest, and missed M. de Grasse, the hon. mover would directly have cried out, what business had he there, why was he not at Gibraltar? was not that of more consequence? And he was justified in his opinion about admiral Kempenfeldt from very high authority; for in a conversation with capt. Adam Duncan on the propriety or impropriety of admiral Kempenfeldt being reinforced by admiral Rodney, the captain had declared, that had Rodney been sent out, it would have been highly impolitic, as his ships might have been crippled, and the object of his voyage rendered useless. He thought lord Sandwich perfectly innocent of what was laid to his charge.

Lord *Howe* maintained, that admiral Darby might certainly have cruized to intercept de Grasse; or if that was not expedient, there was sufficient notice for him to have sailed much sooner than he did, and after he had relieved Gibraltar, he might have dispatched a part of his fleet to the West Indies or North America, which could have arrived time enough to prevent de Grasse from doing as he did. At the time admiral Kempenfeldt sailed, there were undoubtedly three ships ready at Spithead, and several more ready at different ports, that might have sailed with him. He would not without the fullest conviction take upon him to say they were victualled for the East Indies, but they certainly were victualled enough for the purpose of a short cruize; and although the affair of admiral Kempenfeldt's had proved fortunate, yet, by the admiral's own letter, it might have proved quite otherwise; for had not de Guichen's motive been to proceed on, he had it in his power, most probably, to cut off the rear of Kempenfeldt's squadron. He was thoroughly of opinion, that the motion ought to pass.

Mr. *Dunning* paid great compliments to Mr. William Pitt, as a most surprising man of his age, and then, in a very fine strain of irony, played upon lord Mul-

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grave's words of "meritorious acts, profound wisdom, and unremitting diligence:" To be sure, he said, the naval campaigns, since lord Sandwich presided at the Admiralty, had proved it; and no person, he supposed, would doubt or deny, that the flourishing state we were in must make us the glory and envy of all foreign states. He never had aspired, himself, to make his fortune in the naval line; he never meant to climb in that profession; yet, he must now say, that so far was he from thinking with lord Nugent, that the House was certainly not altogether competent to judge in this affair, he was of opinion, that it was the most plain, simple fact to judge on; and, at the same time, one of the most capital questions that was ever agitated in parliament. A learned lord had said, "we were compelled to judge of a whole mass of matter in a lump." Certainly if it appeared that any of the propositions alledged against lord Sandwich were believed, no man could hesitate to vote for the question; for it must then appear there had been mismanagement The noble lord in the blue ribbon, on the former debate, had complained that lord Sandwich was not treated fair, that the question was on too narrow a scale, and that the committee ought to enquire into the whole of his conduct; surely that argument must defeat itself; for even supposing, what he was confident no man would allow, that the first eight or nine years of lord Sandwich's administration were free from error, certainly if the last year had been one continual scene of blunders, it was proper the man should be removed, as it proved he was worn out, and was become a driveller. He adverted to the four heads of charge which Mr. Fox grounded his motion originally on, and confessed himself strongly in favour of the motion, and thoroughly certain, that, could he dive into the hearts of men, not a person in that House but was of the same opinion; but those who would vote against the question, would vote as much for themselves, as they did for lord Sandwich, with whom their interest was so nearly connected.

Admiral *Keppel* got up to answer an aspersion which seemed to be thrown out by the learned lord, with respect to the opinion of capt. Adam Duncan. Capt. Duncan had, in conversation with him, declared the reverse of what the learned lord had asserted; and he was a man of too much honour to carry a double face. There was not, he believed, a captain in the squadron of sir George Rodney, who did not think that he ought to have been sent out to join admiral Kempenfeldt. But to the question; it had been declared by those in office, that the whole of the force of this country had been exerted properly; he denied the fact, for at the time of admiral Kempenfeldt's sailing, there were more than ten ships lying idle, which might have been with him: and it was a paltry excuse to say they were not ready; it was the duty of the Admiralty always to have ships ready to put to sea on an emergency. With respect to the protection which ought to have been given to the Eustatius convoy, it would certainly have been an easy matter to fall in with them, for sir G. Rodney wrote expressly home, that they were to be met with in lat. 49°, 30′; and what did government do in consequence of this information? why, after the fleet is captured, they send a frigate to cruize in 48°, 30′, by which means, had they been where sir G. Rodney mentioned, the frigate, in all probability, would have missed them. He concluded by giving his hearty assent to the motion.

Mr. *Sheridan* was surprised to hear gentlemen differ on the present question; the public notoriety of our failures at sea spoke at once for the motion; and to hear gentlemen urge, that if they voted for this motion, it ought not to be followed by the dismission of lord Sandwich, was exactly similar to that which must for ever appear a disgrace to the House, namely, voting that "the influence of the crown had increased, was still increasing, and ought to be diminished," and negativing the very first motion afterwards, grounded on that resolution: surely, he said, we were not going to fall into the same error now. It had been strongly urged, that the reason why lord Sandwich should not be removed now was, on account of his having laid his plans for the ensuing campaign, which would be all frustrated, if he did not continue in office. Good God! what good could be expected from the future plans of a man that had planned so badly before? certainly nothing; and if that was to be the case, why was there a new secretary appointed a few days back? had not the late one formed his plans? surely, if it would hold good in one, it would in the other; but he wished there had been no plans formed by the late American secretary, for he

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dreaded to see the day, if ever the army should return from America; it must be an awful day to England; no man could foresee the consequence of what might happen on the return of a large body of men, who had, for a series of years, been unnaturally employed to shed the blood of their fellow-subjects. He concluded with saying, that he dreaded a peace till the marine of France was humbled; if peace was made while the House of Bourbon was equal in marine force to this country, he feared there would be an end not only to the commerce and prosperity, but also to the civil liberties of the kingdom.

Mr. *Hill*, of Salisbury, said, he had attended to the debate very closely: he had marked the arguments on the one side and the other with that care and impartiality which a man ought to observe in making up his opinion, for he came down to the House with the best disposition to candour, that he might receive conviction from the proofs and reasoning of the day, and not be guided by prejudice or faction. On the one side, then, he had heard it said, and said with great earnestness, that the earl of Sandwich was negligent, incapable, inactive; that he was the most inattentive and incompetent naval minister that ever ruined or disgraced a country; that our navy was weakened and decayed; that we had neither ships nor men; and that our measures were framed without wisdom, and executed without spirit; that we had neither enterprize nor vigour in our naval department, and that consequently the very force which we possessed was not directed to the objects of the war. This was the story on one side.—On the other it was alledged, that the earl of Sandwich was one of the greatest, most vigilant, active, and capable of ministers that ever filled the naval department; that he was exceedingly industrious, and not very unfortunate; that his plans were framed with the utmost wisdom, and executed with the last degree of wisdom: that he was remarked for diligence and zeal; and that, under his management, the navy had advanced to a pitch of strength and grandeur unknown before. This was the story on both sides. Between descriptions so exceedingly opposite as these were, how otherways could he act, than to take the exact middle between them both, and believe that the earl of Sandwich was neither a wise man or a fool; neither a diligent nor a lazy man; neither enterprizing nor backward; neither great nor little; but, in short, that he was an indifferent sort of a so and so minister, without any qualities that were either to be commended or censured; and who was calculated to go through life without doing either good or harm in it. Take the matter in this way, that he was an indifferent, middling kind of a minister, he must vote against him: for he must believe that, in times like these, a minister of this sort was not the fit man to be employed. We had occasion for a man such as the friends of the earl of Sandwich described him to be, not such as the nation had found he was. We wanted a minister of profound foresight, and unremitted diligence; but we must prove him possessed of those qualities by other means than the report of a junior lord of the Admiralty. Success would be a testimony which the nation would be happy to admit; but as that had not been the case, he must, for one, heartily wish to see the department filled by another person. The language of the two sides of the House he had remarked throughout. The ministerial party ascribed the calamities of the country to the faction out of place. That party ascribed it to the faction who were in place. He sincerely believed that there was a great deal to be attributed to faction, and perhaps faction on both sides had done injury; but in regulating his own conduct, he must look to that which he thought the most upright and able of the two; and he had made the decision in favour of those who moved the present question. Their reasonings and foresight had been verified by experience in every instance, and it was but justice to give credit to those men who had uniformly opposed the measures that had brought us to what we were. He wished to be a supporter of government: he had been so; and in the present instance he was a supporter of government: for he maintained just government, by removing bad governors. If those men were removed, who were really incapable of serving us with credit, or who could not remain in place without dividing the service, distracting and dejecting it, there would be some hope for England even yet; and he sincerely hoped, that the House would have the wisdom to think that the object of salvation was worth the attempting.

Sir *W. Dolben* said, that he was brought, on the first moving of this question, to agree to the proposition, that there had been misconduct and mismanagement in

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the naval department during the year 1781. He was brought to do this from conviction. The papers clearly to his mind proved that fact; but when the hon. gentlemen talked of following this question up with a motion of dismission, and not even stopping there, but going on, and after he should be discharged from office, bringing him to trial, there he must beg leave to disjoin his vote from those of the party who wished for carrying the business so far; he did not think that it would be right, decent, or even proper to proceed to the length of dismission; but more especially under the circumstances of the noble lord in the present instance. For what was the argument advanced by the hon. mover for not trying the noble lord, the first lord of the Admiralty, while he continued in place? Because, says he, the people in office, who must furnish the intelligence, would speak under influence, and would be deterred from giving their testimony so fully and freely, as was requisite to come at the truth. If, then, it was true, he must contend that it would be equally unjust on the other side to try him after he was dismissed from office; for then those who would before his dismission suppress the truth, would be capable of aggravating it afterwards. This was his sentiment, and he must decline going farther in the matter than the motion of censure.

Mr. *Thomas Pitt* said the hon. baronet surely ought to consider what was the duty of the Commons' House of Parliament. Could they submit to see a man continue in office, whose administration they had declared to be productive of so much ruin to his country? It was most certainly impossible, after coming to the resolution now proposed, that they could refrain from the motion of dismission. Consistent with duty, they could not. But surely this was not an argument for objecting to the present question. The hon. baronet had already confessed, that he was fully convinced of the justice of the motion of censure, and therefore he ought surely to give his vote for it; when the motion of dismission came, then the hon. gentleman might declare his sentiments, but surely that ought not to affect his present vote. He spoke with great feeling on the distressful state of the empire, arising totally from the decay and mismanagement of the navy. He was sure that every man unconnected with ministry would vote for the present question, if they voted at all.

Mr. *Taylor* spoke strongly in favour of the motion; and said, that such, in his opinion, had been the mismanagement of the navy, that all our calamities had originated in that source. The House must perform their duty. It was not in their power, however it might be in their wishes, to conceal from the disgrace and punishment which he merited, the man, who had been the author of all our sufferings. They must meet the question soon or late, and the situation of the country would not brook delay.

The House divided:

	Tellers,	
Yeas	Mr. William Pitt - - Mr. Byng - - - -	217
Noes	Lord Mulgrave - - Mr. John Robinson -	236

So it passed in the negative.

Debate in the Commons on the Ordnance Estimates—Salt Petre Contract, &c.] Jan. 28. It being proposed that the House should go into a Committee on the Ordnance Estimates,

Colonel *Barré* opposed the measure on the ground, that it was then too late an hour to enter into a new debate on estimates, which were of such magnitude that they well deserved a whole day's discussion; they were in size the most enormous, in shape the most questionable, of any estimates he had ever seen: they amounted to 1,644,246*l.* equal nearly to 3*s.* 6*d.* in the pound land-tax. It was an estimate unprecedented in the English annals. He found that new expences had been incurred by a new species of defence; for since our navy had ceased to command the seas, we had been obliged to have recourse to land fortifications; and when he found where those fortifications were raised, on the eastern coast of the island from the Thames to the island of Shetland inclusive, he could not but consider the unfortunate cause that had rendered all this expence necessary, the war with Holland. If gentlemen meant to act with decency they would not think of going into the committee that night. Many members, not believing it possible that ministers could think of desiring the House to go into the committee that night, had gone home, and those who remained were fatigued with the debate which the House had been engaged in.

Lord *North* contended for the necessity of voting this service; it should have been

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done before the recess, but for a mistake; and it now must be done, as the service would suffer by farther delays. The sum was undoubtedly great; it was not greater in proportion, however, than former years; it had increased with the occasions of the state, and was unavoidably enormous this year. He said, the estimate had been a long time upon the table, much longer than usual; so that gentlemen might have had many opportunities of examining it with care.

Mr. *Byng* spoke warmly on the shame of going into a committee at so late an hour, which he said looked as if ministry wished to take the House by surprise; and moved that the House should adjourn.

Lord *North* said, that the accounts had been lying on the table for a week past, and there was not a member that was not perfectly acquainted with them. If the House was to assent to the hon. gentleman's proposition, the business of the nation would ever remain undone, for on like pretences it might be put off to eternity. Friday next, being a holiday appointed by act of parliament, no business could be transacted on it.

Mr. *Burke* said that he did not intend then speaking, had not the noble lord given him a cue. He had told the House there was not a member who was not perfectly acquainted with the particulars of the estimates. He would ask his lordship, had he that knowledge of this matter that he supposed was already so clear to the House? If he had, I shall propose a question or two to him. (Upon which lord North candidly confessed that he had not examined the papers.) From this Mr. Burke concluded, that if his lordship confessed his not having looked into it, how could he possibly imagine the rest of the House were masters of the subject? In casting his eye over them, he perceived one charge for salt-petre, the enormity of which particularly struck him; the quantity charged for, was sufficient to pickle the atmosphere from hence to the East-Indies. He dwelt with much humour upon it; and then alluded to lord North's mentioning Friday next being a holiday by act of parliament, by observing his lordship had certainly in his eye at the time, another act of parliament for making a holiday; namely, the gun-powder treason plot, which this vast quantity of salt-petre could not have failed to have given rise to. How eager were ministers to expedite through this House all business relative to the expenditure of money! but when any inquiry was set on foot against them, how many obstacles did they throw in the way to stop its progress, or attempts to smother it in its birth! The account was absolutely scandalous. It was one of those things which in mathematics were called incommensurable; it was impossible to reduce it to any common standard; it went to a point of extravagance beyond all rule; but it was to be judged of by proportion. So then, because 600,000*l.* was the expence of one year; 800,000*l.* the next; 900,000*l.* the next; 1,100,000*l.* the next; and 1,600,000*l.* the present—it was moderate in proportion: because we had been trying our strength in lifting a bull every day since he was a calf; it was not now to be considered as any uncommon exertion of bodily power! The hon. gentleman having enriched this idea with some beautiful similes and deductions, concluded with declaring that they could not with any regard to their obligations suffer this account to be voted without examination; and he must therefore vote for the motion of adjournment.

Lord *North* said, as gentlemen were so anxious for having this matter deferred to a future day, notwithstanding the necessity there was for its speedily passing the House, yet he would defer the consideration of it, as far as his voice went, till Friday next.

This proposition was agreed to.

Feb. 1. The House being in a Committee of Supply,

Mr. *Kenrick* rose to open the Ordnance Estimates. He began by apologizing for his want of ability and experience. He then proceeded to state the necessity of voting a supply for that department of the public service: it was not now, he said, the question whether the American war should be prosecuted or relinquished; the question was, whether or not our armies and fleets should fight without powder, for we had voted the seamen, we had voted the army, and it was absolutely necessary that they should have ammunition and artillery. After this preface, he entered into the detail of the estimates, which amounted to 1,644,242*l.* He then proceeded to enter into a long and dry detail of expence in fortifications, garrisons, and all the extensive branches of the ordnance department.

Colonel *Barré* informed the hon. gen-

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tleman, that there were three features in the estimate, more questionable than all the rest of the articles; these were, the charge for salt-petre, for transports, and for fortifications, on which he desired him chiefly to speak.

Mr. *Kenrick* spoke particularly to the first of these three heads. The committee knew that the East India Company, by their charter, were bound to furnish the public with 500 ton of saltpetre at 45*l.* a ton in time of peace, and 53*l.* in time of war. In the estimates, there were three charges for saltpetre at three different prices: there was one article for a quantity which had been delivered to the ordnance at the charter price, as the quantity for which they were bound; but as the necessities of the state required more considerably than the quantity which they were bound to provide, the board procured from the Company a quantity in 1781, amounting to 3,100 tons. Part of this was charged at 53*l.* the charter price; part at 73*l.* 10*s.* which was the neat prime cost to the Company itself, including the expence of freight, insurance, and interest; and part of this quantity was charged at 118*l.* 10*s.* which was the last sale price of the Company. This difference was occasioned by the circumstance that more was wanted than the Company were bound by charter to furnish; and having given a quantity in anticipation, up as far as the year 1787, it remained to be settled how the extra charges were to be adjusted. He could only say, that the quantity in the estimate was not all received in 1781, but had been accumulating through the war, and in that year amounted to 3,100 ton more than they were bound to furnish. Still, wanting more saltpetre, they applied to the Company for it; when the answer given was, that they would not give it unless the board would give the market price; not the price which saltpetre bore at their own sales, but what it bore at the merchant's market at Garraway's coffee-house, where the price at that time was up at 152*l.* per ton. This demand the board did not think proper to comply with; and it was therefore to pay the Company what was due to them for these 3,100 tons that the board now applied to parliament.

Mr. *Byng* asked if there was not, beside all this immense quantity of saltpetre, received from the East India Company, another quantity bought lately at a private market?

Mr. *Kenrick* said it was true. A quantity had been procured from Ostend, and also a small quantity from Portugal. The committee would see that there was a necessity for procuring more saltpetre than the Company were bound by charter to furnish: and, in December last, the Company having informed the board that they could not furnish any more, they made a contract with Mr. Townson, a member of that House, for 400 ton, which was lying at Ostend, at the sum of 118*l.* a ton, which was the sale price of the East India Company, and considerably under the merchant's price in the market. In doing this he trusted the board had consulted the prosperity of the state, in providing by this resource for the exigencies of the service. They had also on the same principle procured a small quantity from a Portuguese ship in the river, at 115*l.* a ton, by a contract with Mr. Buller.

Mr. *Byng* asked if Mr. Townson was to have no more than 118*l.* per ton; and if any inquiry had been directed by the board to be made, of the market price of saltpetre at Ostend, at the time of the contract?

Mr. *Kenrick* replied, that there was to be an allowance made to Mr. Townson of about 2 per cent. and no more, for the freight from Ostend. No inquiry had been made previous to the contract, of the price of saltpetre at Ostend, and for one very substantial reason, because no one imagined that there was any such commodity in a place where there was no East India Company; nor did he see, that it would have been politic in the board to make an inquiry about it at Ostend, if they had even known there had been saltpetre there; because the moment it should be known at Ostend that the board of Ordnance of England wanted saltpetre, the market would have been that moment raised. The only markets as they believed were the East India Company here, and the body of the London merchants who bought from the Company. By their prices they regulated the bargain; and the price of the Company at their last sale was 118*l.* 10*s.* per ton, the price in the merchants market was about 152*l.* per ton. They thought, therefore, that they could not be wrong in making a contract at 118*l.* per ton with Mr. Townson; to this however must be added the price of freight, which was about 2*l.* more, so that it might amount to about 120*l.* per ton.

Mr. *Byng* said, that in the price which

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the board gave for saltpetre in England, the duty paid to government was included. He wanted to know, if, in the contract with Mr. Townson, the Ostend saltpetre was not to be discharged of the duty?

Mr. *Kenrick* could not answer the question, but would make an inquiry and satisfy the hon. member, when the report should be brought up.

Mr. *Byng* urged the question, and said, that he was then to understand that the board of Ordnance had made no inquiries concerning the price; but without knowing or seeming to care whether it was greater or less in the market of Ostend, they had blindly entered into a contract with a single director of the East India Company, and a member of parliament, for a large quantity of saltpetre, at 2*l.* per ton more than they gave to the great and valuable Company, which in their necessities had advanced them, in anticipation, not less than the quantity which they were to furnish for six years from hence. This he was given to understand from the hon. gentleman. Now, he had pretty good information, that the market price in Ostend when this bargain took place, was not more than 4*l.* 16*s.* per cwt. for the very best saltpetre, and for an inferior quality was only 3*l.* 10*s.* whereas the price paid to Mr. Townson, in this contract, was exactly 6*l.* per cwt.

Mr. *Hussey* exposed the behaviour of the board in a glaring point of view, with respect to the East India Company. They had been, for some years past, in the habit of procuring from that Company large quantities of saltpetre by anticipation, without paying them for it, and had even demanded to have it at the charter war price of 53*l.* a ton, which was considerably less than it cost the Company themselves; and yet they now made a bargain with a private individual, a member of parliament, to give him 120*l.* and came to parliament for the money before the saltpetre was delivered. He called upon the members of the board of Ordnance to say whether they had declared, that they could furnish the board with no more saltpetre? He was given to understand that the case was, they had not been able to procure money from the board; and had said, that without money, in their present exigency, they could not provide the public with more in advance.

Mr. *Strachey* said, the Company were not so hardly dealt by as the last hon. gentleman seemed to apprehend they were, for that in all their bargains with government, whether under their charter, or otherwise, a minute investigation would shew, that if there was any balance in point of bargain, it was in favour of the Company, and against government. In the first place, the former had a monopoly of saltpetre, and surely the least they ought to retribute for so extensive a grant, mixed as it was with monopolies more valuable, which they possessed under their charter, was 500 ton of saltpetre, (not a fifth of the importation of that single article annually) without any emolument to arise from that stipulated quantity; and if an anticipation was required of their annual stipulation, ought it to be urged as a hardship upon them, when they charge not only the charter price, but also the freightage, and other incidental charges, together with interest for the advance of it, in proportion to the anticipation of its quantity, and the length of time encroached on? In the propositions which they had given in, they had offered to give the public what they had sent in up to 1781, at the charter price; what they had sent in, in advance, from that time up to 1783, which was the period of their old charter, at 73*l.* 10*s.* the prime cost; and what they had sent in, in advance, beyond that time, up to 1787, at the sale price of 118*l.* 10*s.* but without interest. These were their propositions, and they intimated, that unless these were agreed to, they could not furnish more. It was on account of these propositions being made, that the contract was concluded with Mr. Townson.

General *Smith* lamented that none of the East India directors were present to give the committee an account of the matter. He could only say from his own knowledge, that the Company had suffered much from their friendship to government, in having given so much saltpetre in advance, without having received either a proper price, or any payment; and that on the face of their transactions it evidently appeared, that they had exercised a high hand over the Company, which, in the case of the private contractor, they had not assumed. He knew that the Company could give the public all that they wanted, provided that they met with fair and equal encouragement.

Mr. *Kenrick* mentioned the refraction which the Company had on their side in their bargains with government, as a reason why gentlemen should not grant so very freely their commiseration to objects

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that in fact needed none. And this particular only was at least 10*l.* per cent. in favour of the East India Company—a circumstance which at a proper time, when the revision of the East India affairs was in due order before the House, he trusted, would receive requisite attention and redress. If monopolies were to be at all countenanced, they ought surely to be intirely vested in the government, when the object was the public welfare; and in no one instance was this matter so obviously for the advantage of the common safety as in the article of saltpetre.

Mr. *Burke* said, that by a variety of matter in detail, by no means satisfactory, urged by the gentlemen who had spoken in favour of the measures of the Ordnance board, the particular article now under consideration had clouds instead of sunshine thrown upon it; he would, therefore, to draw the attention of the House within as small a point of view as possible, and to prevent the vagaries of illusive sophistry, request, that as men of business, some of the gentlemen on the other side of the House, instead of huddling together gross sums, in a very gross way, would be pleased to discriminate, and tell the House, not generally, that some part of the charge for saltpetre was according to the charter price, another part was under the first cost price, and again a third part was under the market price. But that they would tell us specifically what quantity was to be paid for at the first price, and when such quantity was delivered; and so on respecting the rest of the denominated prices. It was by this means only they could come at the prudence or the imprudence of their conduct in bargaining for the public in the present instance.

Sir *George Savile* requested to know at what time, after all this hopeful work of anticipation, government would have a right to call on the Company again for the annual quota of 500 tons?

Lord *North* began with stating the contract of the East India Company to furnish government with 500 ton of saltpetre annually, in consequence of the charter granted to them by the crown. This contract, said his lordship, is at the rate of 45*l.* per ton, in the time of peace, and 53*l.* in time of war. Down to the commencement of the French war, government is not charged by the Company, for this article more than according to the charter peace price. From that time to 1781, they are charged the war price. From 1781 to 1787 inclusive, there are eight years, three of which we may properly call years by anticipation; years for which the Company have now in a whole lump furnished us with what, by their charter, they would be compelled to do only at the rate of 500 tons annually. From 1783 to 1788, the supply they have given us cannot so properly be said to be granted in anticipation of an obligation to be performed, as in a wise assistance to the government that protect their interests, which government however is answerable to them for an equitable return for this last exertion towards the public service: which, considering the Company in a private capacity, they certainly were not obliged to. Now, upon this fair statement of the case, let us see how the account actually stands between the public and the Company. Down to 1781, it is evident the Company have done no more than they ought to do. They have fulfilled the terms of their charter. From thence to 1783, they are in anticipation, which may be stiled a sort of favour. Be it so; but do not the public pay for that? The war price under the Company's charter is 53*l.* per ton; and for these last three years which I have now mentioned, they charge 73*l.* per ton; so here is 20*l.* per cent. for anticipation; for the prompt delivery of the whole of a three years supply, instead of a gradual one of a third annually. Surely the Company cannot be said to be pilfered on this head? Let us now proceed to account for the last four years of the delivery. Although at first the Company had furnished saltpetre for this period, as they had usually done in the manner that has already gotten the name of anticipation; they have since that period sent in a demand of a different description to the ordnance, and to desire the market-price for the last four years, that is to say, a sum of 118*l.* per ton. And in truth I conceive their claim to have a very equitable foundation; for as their charter will expire in 1783, and as they are at present at a loss to know what may be then the terms of a fresh agreement with government; whether such agreement will be for the stipulation of 500 tons, as usual, or not, I declare I think them right in at least bringing themselves home for what they could now dispose of their commodity to any other bidder.

Colonel *Barré* observed, that from the several estimates delivered into parliament,

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there did not appear charged in any one of them from 1776 to 1780, more than for 200 tons of saltpetre in each year, though by their charter, the Company are obliged to supply government every year with 500. An hon. gentleman, it is true, has told you the 500 tons have been constantly received; but what evidence have you of that? there is no such account in the estimates. If it is really the case, I would ask the hon. gentleman what has become of the remaining 300 tons? for at present the matter is quite mysterious—we are totally in the dark.—He then adverted to the inattention gentlemen in office had shewn to the interest of the state, the fatal effects of which we experienced in the West Indies in an engagement admiral Barrington had with the enemy; our powder in that engagement was found to be of very bad quality, and by far inferior to the enemy's. This was a fact well known, and what the admiral himself had written an account of to government.

Mr. *Kenrick* said there was always a certain standard for the powder to be of, before it was allowed to be fit for service, and that it had been the general custom to have it above the standard, so that this being the case, there ought not any blame whatever to be imputed to the board. He said that powder, though originally the very best, yet after a long voyage and variety of climates, it might be materially injured, for there was no opportunity of airing it on board, as it would be attended with infinite danger to attempt it; and that airing it was the only remedy to prevent those ill effects happening to powder, from the circumstances he had mentioned before. He then replied to the question put to him by the hon. gentleman. He said that those estimates before the House, being entirely for the land service, there was nothing charged in them that was not particularly applied to that service, and that therefore the 300 ton, not stated in the account, were always applied for the use of the navy, and that was the cause of its not being placed under the present head: and this had been the method in which the business had been transacted for years.

Mr. *Courtenay* said, he heard gentlemen lay much stress on the inattention and mismanagement of the Ordnance-office, to which he could say nothing; but the master-general, who now presided at that Board, was a man of great experience, had filled many high departments with the strictest honour and integrity, and had, in his present office, shewed the greatest zeal, and most unwearied attention, to every matter that might tend to the welfare of the nation. He knew it was reported, that the powder at Gibraltar was so weak in its quality, it could not reach the enemy's lines, while theirs did the greatest execution. He knew also it was a malicious and groundless charge, as would appear most clearly, if he might have the liberty of reading the letter he held in his hand, and which was written in consequence of directions from the master-general of the Ordnance to have the matter inquired into. The gentleman the letter came from was captain Elliot, a most gallant officer, and whose honour and integrity were unquestionable. He then read it, and it stated that the governor of Gibraltar had made several trials between the Spanish powder, taken out of the ships captured by admiral Rodney, and the English powder he had in the garrison, and that the latter had been found to be much stronger than the former: this the governor informed him. However, he added that he himself had been present at two or three experiments, which also agreed with the information he had received from the governor. This circumstance, he said, ought to make gentlemen more cautious how they wantonly criminated persons in office, without a proper foundation for so doing.

Mr. *Burke* said, he knew when his hon. friend mentioned the affair of the powder in the West Indies in a parenthesis, the other side of the House would instantly seize it as a fair opportunity to divert the House from the point in question. They wished by any means to get rid of a matter they could not possibly support. What with their powder and their smoke, and their encomiums on officers who might or might not deserve them, they were endeavouring to draw our attention to matters entirely foreign to the present debate. I must therefore remind the House, said he, of a question which was put to gentlemen in office, to which they have never given any satisfactory answer. I shall now address myself to the noble lord in the blue ribbon, and must insist on his giving that information to the House which has been hitherto denied: I mean respecting the 300 ton of salt-petre, which has never been stated in any of the estimates. This is a particular that must be fully explained, and which explanation I expect from the

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noble lord. Here he stopped in expectation of his rising, upon which

Lord *North* said, the 300 ton being applied to the use of the navy rendered it impossible to be stated in the present account, as all charges made here were entirely for the land service: then, say gentlemen, we have no account whatever of this article. I answer, you have: but it is involved in the naval estimate, for in that there is charged 4*l.* a man per month, out of which there are 4*s.* paid over to the Ordnance board, the amount of which sum goes to the discharge of the debt incurred by the navy in that article. His lordship observed, he stated facts as they appeared to him, but as it was a matter that did not immediately concern him, if he was mistaken in any point, he trusted the gentlemen behind him would set him right.

Mr. *Burke* rose again, and in the most pointed language attacked the noble lord for declaring it was a matter in which he was not immediately concerned. What! said he, is it not the business of the first lord of the Treasury to see that money matters of such consequence as these are, should be stated fairly and justly, previous to their being brought before the House? Was it not his business to have inquired into this transaction with the East India Company? Certainly it was; and I am convinced too, so important a transaction could never be done without his management and consent. In which case, I say, he has cheated the public [here was a loud cry of Order]: he insisted he was not unparliamentary in what he said, for by making the Company supply government with salt-petre, at 53*l.* a ton, when they could get for the same by public sale 118*l.* a ton, is taking from the Company, at least 60*l.* in every ton, which in the end must fall on the public. The Company are at many and very heavy expences, and if they are deprived of the means of supporting them, the public must most sensibly feel the loss, and must certainly afford the Company that protection they have often done. For these reasons, I say it is a tax on the people, and a tax of a most grievous nature, nor do I think the directors of the Company are less criminal than the noble lord, for they have given up the interests of their constituents, and betrayed the trust reposed in them; they should have consulted them before they had assented to a matter pregnant with so much mischief. I look on the Company to be one of the chief pillars of the nation: and therefore any thing that may in its consequences affect it, must most certainly affect the empire at large.

Mr. *Adam* confirmed what lord North had said in regard to the usage of the navy in the article of powder; he said that during the war before the Revolution, and ever since that period, it had always been stated by itself, independent of the Ordnance estimates. He traced the custom and cause of allotting 4*s.* from the pay of every seaman per month, to the furnishing of naval stores.

After some further conversation, it was moved, that the chairman should leave the chair and report progress; upon which the Committee divided: Yeas 60; Noes 113. The several Resolutions were then agreed to.

February 4. On the motion for bringing up the report of the Committee,

Sir *P. J. Clerke* objected to its being received, as there were three particular heads in the Ordnance estimates, which had not been fairly investigated; these were the article of salt-petre, the transport service, and the sum for fortifications; the first of these articles appeared clearly to have a fraud in it, and the others had not been explained.

Mr. *Hussey* stated to the House, that the usual method of paying the tradesmen belonging to the Ordnance office, was by debentures; that these debentures, instead of bearing a premium, were in such disrepute, that they were frequently sold from 25 to 28 per cent. discount, which undoubtedly must be a great loss to the trader, and be the means of his having an enormous price for his contract to enable him to give such credit. Some accounts were paid in part by imprest bills, which bear only a discount of 3 per cent. and the rest by debentures, therefore, he wished to know whether the bills settled in that manner, were promiscuous ones, or whether they were only done for favourites.

Mr. *Kenrick* informed the hon. member, that the bills were all paid alike, according to their several dates, without any favour or affection; that respecting the business of the contract for the salt-petre, the ordnance had incurred a debt to the India Company; and had been refused any more salt-petre, unless the former debt was paid, which it was not in their power to do; therefore they had applied elsewhere, and had accepted of Mr. Townson's proposals.

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Mr. *J. Townshend* requested leave to say a few words relative to the contract made by the board of Ordnance with Mr. Townson. He had authority to aver, that the contract had been made wholly without the knowledge of the master-general of the Ordnance; nay as soon as it had come to that noble lord's ears, that a contract was in agitation, which would not bear the closest inspection, he immediately sent directions to the board to break off the treaty; but it was too late, the business had been already completed. He trusted that the House would not think it necessary for him to apologize for having spoken on the subject; it was natural for him to wish to rescue from obliquity the name of a noble lord, to whom he was so nearly related [his father, lord Townshend] a man who had served his country with as clean hands, and as strict integrity, as any man in the nation.

Mr. *Kenrick* acknowledged, that the contract had been made without the knowledge of the master-general, for that the board had been given to understand that secrecy was necessary on the subject, as the market would undoubtedly have been raised upon them, if it should have been known in Ostend that the board of Ordnance wanted salt-petre. The hon. member with whom they had made the contract, had pointed out to them the necessity for secrecy; and as to the price, they had been guided in it by the prices of the India sales, and of the market at Garraway's.

Mr. *Townson* said, that his character as a merchant, stood high and unimpeached; that from the correspondence which he had as a merchant, he had learned that there was a great quantity of saltpetre at Ostend, and that it was a commodity that was growing scarce throughout Europe: from this he concluded that the French, or some of our other enemies, would soon, perhaps, buy it up. To deprive them of such a resource, and procure it to his country, he thought a double service: he had rendered that double service to it; and if, in so doing, he had availed himself of the character of a merchant, to derive some personal advantage to himself, he did not deem himself the less entitled to the thanks of his country. It was not to any ministerial favour or influence he owed his contract.

Mr. *Courtenay* in vindication of lord Townshend said, that the noble lord had sent to Russia, to Sweden, and to Denmark, to learn the state of the saltpetre markets in these countries: in Copenhagen he found that it sold from 2*l.* 15*s.* to 3*l.* 15*s.* per hundred; that having this knowledge, and hearing of the improvident contract which he understood the board of Ordnance were going to make, he sent them orders, as master-general, to stop short, and break off the treaty: Mr. Courtenay himself had been the messenger on the occasion; but when he explained himself, they appeared surprised; and informed him that the contract had been signed three days before. With respect to the merit which the last speaker assumed to himself from having found out this saltpetre at Ostend; and the necessity which he had insinuated that there was of acting with secrecy and caution, he could not see ground either for this assumed merit, or for secrecy; for it was known that the Ostend saltpetre had been frequently advertised in the London newspapers. If the India Company asked 118*l.* per ton for their saltpetre, they always allowed 6½ per cent. for prompt payment: now the hon. member, in his contract, was to have ready money, or prompt payment; but not a farthing was he to pay discount. The Company paid also 7½ per cent. duty to the crown; the hon. member, he understood, was to have his saltpetre pass duty-free: these two articles together, made 14 per cent in his favour; and 14 per cent might not be deemed too great profit for a merchant; but when he got 30, 40, nay 50 per cent. the public had a right to call the bargain improvident; and such was the profit on the contract; for the hon. member was to have more than 6*l.* per ton for that which sold from between 3*l.* 15*s.* to 4*l.* 15*s.* per ton. At the same time he must beg leave to say, that he fully exculpated, in his own mind, the board of Ordnance, from the guilt of making an indiscreet and criminal contract. He believed that they made it in the firm reliance, that as Mr. Townson was a member of parliament, and a director of the East India Company, he must be a man of honour.

Mr. *Gregory* declared the India Company did not refuse to let the Ordnance have any more saltpetre without paying for what was then owing; all they refused was to trust for any more, being themselves in want of cash. The Company had, at the time the contract was made with Mr. Townson, 1,212 tons in their warehouses, which they would have sold

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to the Ordnance for ready money, without the old debt being paid; and as a proof of their regard for the ordnance, they had, out of that 1,212 tons, reserved 700 tons for their use, supposing they might want it, and had absolutely deposited it in the King's warehouse under the White Tower; that on the 25th of January last the Company had sold 275 tons, at 110*l.* per ton, which was much less than the price agreed to be paid to Mr. Townson, besides making the usual discount of 6*l.* 10*s.* per ton, and paying 7*l.* 10*s.* for duty.

Mr. *Strachey* defended the Ordnance board from any guilt in the contract, and declared, they knew nothing of Mr. Townson; neither did he, or Mr. Kenrick, ever see Mr. Townson until they voted for him at the India House.

Mr. *T. Townshend*, after paying many compliments to the master general of the Ordnance, for his upright conduct in office, reprobated in the most severe terms the saltpetre contract, and declared his utter aversion to pass the Ordnance estimates while there was such a glaring sum put down to the use of fortifications, without a single line of their utility being urged or defended by any one military or professional man.

Lord *North* said he was a total stranger to the contract so reprobated, and he was free to own, by the present appearance it was enormous: with respect to Mr. Townson, he never, until after the contract was over, knew he had it. The only reason he supposed for Mr. Townson's having the contract was, his being the only person that made an offer. With respect to the article in the estimate of fortifications, they were in his opinion highly necessary; they were a safety to our shipping, and added strength to the navy, as fewer ships were wanted to protect our coasts. He gave that only as his own opinion, confessing himself not sufficiently master of the subject, it being entirely out of his province. It was now much later than usual, he said, in the session for the supply to be granted, therefore any impediment to it would be doing a material injury to the service. He proposed to leave out the article of saltpetre procured from Mr. Townson, amounting to 149,000*l.* and vote the remainder, as money was much wanted.

Mr. *Byng* was exceedingly animated respecting the shameful contracts and abuse of public money; the constituents he had the honour of representing, he said, from their situation, had an opportunity of seeing and knowing more what was passing than most others, and they had instructed him to declare, that so far from there being a necessity to keep the contract respecting saltpetre a secret, the sale at Ostend was publicly advertised in the London newspapers. He was credibly informed the chief contract for ordnance transports lay with some of the clerks of the same board; and he desired to know from the gentlemen in office whether the contract for ordnance transports was ever advertised. He never was so thoroughly convinced of the necessity of sir P. J. Clerke's motion, to exclude contractors from parliament, as now.

Mr. *Kenrick* said, he could not inform the hon. member whether the ordnance transport contracts were advertised or not; but one reason for the expence being great on that head was, our allowing seven men to every 100 ton of shipping, where merchants only had five men and a boy; the reason for our having that difference was, all our transports being armed ships, and requiring a larger share of hands to work the guns, and navigate the vessels, than those that were not armed.

Mr. *Fox* was astonished to hear the noble lord in the blue ribbon deny any knowledge of Mr. Townson. Did not he know he was member for Milborne Port, the place where his lordship's conduct was so recorded? Did not his lordship know he was an India director? Did he not know he was a merchant, and ready at his nod on all occasions? That his lordship had no hand in making the contract he was ready to confess; for if he had, he would have made it at the highest price, namely 153*l.* per ton; the same as he did the contract for rum, where he suffered himself to be cheated, and then, in return, cheated the public. That contract, too, was made with a perfect stranger to his lordship; and he supposed the board of Ordnance dealt with Mr. Townson for the same reason that the two hon. members voted for him at the India-house, "because they never saw him before." Could there be a plainer proof of Mr. Townson being the creature of the minister, than the people of the Ordnance being compelled to vote for him? Certainly not. There never could be any fair representation of the people in that House, while such a nest of contractors and loan-jobbers were suffered to sit there. It was impossible for the minister

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to speak to a member as a contractor; and it was equally impossible for a contractor to speak in that House as a member; by that means the public were shamefully robbed, the minister being obliged to let the contractors have a good bargain; which, per contra, was a bad bargain for the nation. He continued a long chain of similies, much to the purpose, and was against acceding to the report; saying, as one fraud had been detected, it led him to suspect the whole. The noble lord had offered to give up the saltpetre; why did he not do that of his own accord, and not give the House the trouble to goad him to it? But his reasons for giving up the saltpetre were, that they might pass by, without any further inspection, the other two glaring heads. The urging the lateness of the season was no argument for him: why was it not brought on sooner?

Sir *H. Hoghton* complained of there being a shameful abuse of the public money in building fortifications at Liverpool; which he understood, from people conversant in military affairs, were not skilfully laid out.

After some further conversation, the House divided: For receiving the Report 122; Against it 92. The Report was accordingly received and agreed to.

Debate in the Lords relative to the Execution of Colonel Isaac Hayne at Charlestown.] January 31. The Duke of *Richmond* began with observing, that questions of a particular nature had been decided in that House, contrary to his judgment and sentiments; but he knew of no instance, where the matter in its nature or tendency had humanity for its basis, in which politics or party motives had ever been permitted to mix themselves, in their deliberations: their lordships, on every such occasion, always mixed the most generous feelings with the most sacred regard to justice; and proved, on every opportunity which presented itself, that the oppressed would always receive from them every relief it was in their lordships' power to afford. The matter he was about to mention, though it did not extend to those important objects which he had now pointed to, was certainly included in them, if true; which he still hoped, for the honour of the British name, was not the case. All he knew of the person whose unhappy case he meant to bring before their lordships, might be gathered from the newspapers by any one of their lordships as well as by him, unless a manuscript state of the case transmitted to him through the office of the Secretary of State, by a person of the name of Bowman, residing at Charlestown in the character of a loyalist, under the protection of the British government. This man's narrative, (of whom he knew nothing farther than what he now mentioned) set forth certain facts, previous to and concerning the execution of colonel Isaac Hayne. The narrative transmitted to him by Bowman exactly agreed with the accounts which appeared in the public prints, and with the account published by Congress authority. The fact, so far as he could judge of it, appeared to be extremely objectionable, when sanctioned by a British officer. Here was no trial, not even the mock forms of one, but he must forbear to reason upon facts, which from their complexion could hardly be credited, but rather be deemed the effusions of party zeal, and that spirit of persecution and unbounded resentment which distinguish the rage of civil war from every other war. Although Bowman's letter and the public prints were not sufficient authorities to institute a parliamentary enquiry, yet they justified him to make this proposition, viz. that if any one cabinet minister would rise, and say whether he had received any official information on the subject, and, if he had, that he would just state so much of it as might appear to him sufficient to satisfy their lordships that colonel Hayne deserved the punishment he met with, he would rest contented. But if ministers remained silent, he should feel the necessity of moving one or more motions on the subject.

Viscount *Stormont* said it would be premature and disorderly to debate the matter opened by the noble duke, there being no question before the House. When the business came regularly before the House, he would submit his sentiments upon the subject to their lordships.

The Duke of *Richmond* said, the noble lord chose to treat candour with contempt, and did not think it becoming him to rise, but to shew with how high a hand he could bear himself, and in what a haughty manner he received any requisition made to ministers, however reasonable in itself. The noble viscount might think it wise to wrap himself up in the cloak of his ministerial capacity, and with great pomp of words, and great parade of tone and gesture, to say—[Here his grace repeated

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lord Stormont's words, and attempted to imitate his lordship's manner and deportment.] The noble lord might from his weight and influence fancy himself a great minister, and a great man in this country, but he wished him to recollect that the ship was agitated by a dangerous storm, and in such a moment it behoved him to treat his crew with civility and good manners. He feared the time was not far distant when they would be obliged to speak in a tone less lofty, and infinitely nearer to a tone of humiliation and contrition.

Viscount *Stormont* declared he was perfectly astonished at the attack made upon him, on account of the few words with which he had troubled their lordships. He was in the judgment of the House, whether any sense that could fairly be put upon his words, either warranted or could justify the commentary which the noble duke had thought proper to make upon what he had said. He thought the established order of parliamentary proceedings ought on all occasions to be strictly adhered to, and he conceived he should best shew his respect to the House, in not prematurely discussing a business, which was not regularly before their lordships. And this he had endeavoured to do, not with any pomp of words, nor with any parade either of tone or gesture, as had been imputed to him, but in as plain words, and as plain a manner as it was possible for him to adopt. He laid no claim to eloquence, he was not fond of pomp. Had he or any of his Majesty's ministers ventured to use the language that their lordships had just heard, and talked of their "crew," he should have conceived him or them liable to the charge of having talked in the most indecent stile that could be imagined; he should have thought it unbecoming in him to have used such language, and he should have blushed for it as a strange instance of disrespect to their lordships.

The Earl of *Hillsborough* expressed his surprize that the noble duke should have called for that information, which the noble viscount or any of his Majesty's ministers would have readily communicated on a private requisition. The noble viscount had merely endeavoured to avoid the discussion of a subject, which the noble duke had himself declared, he meant not to render the subject of debate that day. With regard to colonel Hayne's case, ministers were not in possession of any official information on the subject. He wished the noble duke would recollect the nicety of the case, and the difficulty of proceeding on it, before information, or good evidence was to be had. The honour of that brave and gallant officer, lord Rawdon, who had commanded the southern army, and to whose merits every one was familiar, was intimately connected with the event. Lord Rawdon was gone to Ireland, and would be back in about a fortnight. Why not wait his return? He intreated the noble duke not to take any one step that might give rise to injurious suspicions without doors, or to suspend for a moment, in the public opinion, the high character, which a series of meritorious actions had obtained lord Rawdon.

The Marquis of *Rockingham* called upon ministers to say, if they had received an authentic copy of general Greene's proclamation, in which Mr. Hayne's execution was deemed a murder, and severe retaliation threatened? If they had, they ought to say, what means of preventing British officers from the risk of being hung up by the rebel general, had been suggested in the last instructions, which they sent out to America.

The Earl of *Huntingdon* explained to the House that the dispatches, containing a full account of the subject of the conversation of the day, had been thrown overboard, previous to the packet being captured, that was coming to England with them, which was the reason of ministers not having yet received any official information of the matter. His lordship explained also that colonel Balfour was commandant of the town of Charlestown at the time in question, that lord Rawdon had only a partial command, and that colonel Gould commanded three regiments, and was both their seniors. He gave the House this information, not as an argument, either in favour of lord Rawdon or against him, but merely to put the House in possession of facts.

Their lordships were then summoned for Monday.

Feb. 4. The Duke of *Richmond** rose,

* In consequence of the above Speech, the following Correspondence took place between the Duke of Richmond and Lord Rawdon [afterwards earl of Moira]:

No. I.—Lord Rawdon's Letter to the Duke of Richmond, delivered to him by Lord Ligonier, on Thursday evening, at seven o'clock, February 21, 1782.

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and introduced his promised motion, by observing, that what had fallen from him on a former occasion afforded sufficient reason for his soliciting the attention of their lordships to the proposition he was about to make. He said that he strongly adhered to a doctrine which was then advanced, and which he adopted as the leading maxim of his conduct, that in every case where the public were concerned, there ought to be no respect paid to the character, of whatever rank or denomina-

To the Duke of Richmond.

My lord; I am this moment arrived from Ireland, from whence I have been hastened by the illiberal advantage which you have taken of my absence. When I learned, by the public papers, that an enquiry into the execution of Isaac Hayne, of South Carolina, was moved for before the House of Lords, I feared, that their lordships would not find any materials on which to decide their opinions; but from the unspotted justice of that high court of honour, I rested secure that vague surmises, and unsupported insinuations, would not be permitted to affect the public character of a British officer. The House, as I conjectured, have rejected the suspicion with disdain. It now rests with me to notice such personal injury towards my private reputation, as could not become the subject of their lordships' animadversion.

The expressions with which you, my lord, introduced the motion, were as unnecessary to the business, as they are little reconcilable to the dignity of a senator, the public spirit of a citizen, or the candour of a gentleman: of course, I feel them fit objects for my resentment. I do therefore require, that you, my lord, shall make a public excuse, in such a manner, and in such terms, as I shall dictate, for the scandalous imputation which you have thrown on my humanity, a quality which ought to be as dear in a soldier's estimation, as valour itself. If your grace had rather abet your malignity with your sword, I shall rejoice in bringing the matter to that issue. Besides the consideration of my own wrongs, I shall think myself the avenger of my brother officers in America, to whose security you have given an oblique attaint, by your affected fears for the consequences of general Greene's proclamation. RAWDON.

No. II.—Answer of the Duke of Richmond to Lord Rawdon's Letter, taken in writing by Lord Ligonier, from the Duke's own mouth; received at nine o'clock on Thursday evening, Feb. 21, 1782.

The duke declines receiving the letter, as it is couched in terms which he thinks unjustifiable. That as it was never his intention, so he firmly believes he made use of no expression that could be possibly misconstrued into a personal attack on lord Rawdon. That he has no objection to referring to the Chancellor for his recollection and opinion on the subject; and that, if he can recollect any expression in the course of the debate, that could be applied as injurious to the character of lord Rawdon, he will take an opportunity, in his place, of disavowing such intention; provided lord Rawdon desires the duke so to do, in more admissible language. That lord Rawdon has not specified any expression that is injurious to his character; consequently the duke cannot at present give any other answer.

No. III.—Reply of Lord Rawdon to the Duke of Richmond's Answer, Feb. 21, ten o'clock at night.

Lord Rawdon will not admit any one expression in his letter to be unjustifiable after the liberty which the duke of Richmond has taken with his character. It is not of any particular word made use of by the duke that lord Rawdon complains;—but lord Rawdon arraigns the general cast of the proceedings which has publicly exposed him to the suspicion of wanton severity and abuse of power. —That the duke of Richmond should get up in his place in the House, and disavow the idea of casting any the most distant insinuation upon lord Rawdon's conduct, is the mode of excuse which lord Rawdon would require. —But the terms, as the letter mentioned, must be dictated by lord Rawdon.

No. IV.—Copy of a Paper in the Duke of Richmond's hand-writing, brought to Lord Rawdon by Lord Ligonier and General Conway, on Friday noon, Feb. 22.

Lord Rawdon says that he will not admit any one expression in his letter to be unjustiable, after the liberty the duke of Richmond has taken with his character;—but as the fact is that lord Rawdon has been misinformed, and the duke of Richmond did not take any liberty with lord Rawdon's character, and has declared so to lord Ligonier,—he must persist in thinking several of the expressions in lord Rawdon's letter very unjustifiable.

Lord Rawdon says he does not complain of any particular word made use of by the duke of Richmond; consequently the duke of Richmond can have none to explain.

But lord Rawdon says he arraigns the general cast of the proceeding:—this also the duke of Richmond denies to have been in any degree personal to lord Rawdon, which he took very particular pains to explain, in the opening of that business. In proof of this assertion he has already expressed, and now repeats, his willingness to refer it to the Chancellor, whose name has been mentioned as having possibly conceived it otherwise, or to any other unprejudiced peer, whether the whole or any part of the duke of Richmond's conduct had the least personality toward lord

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tion; and that such enquiries should be conducted upon liberal grounds, and independent of all such considerations. After dwelling some time upon this idea, the noble duke read a variety of letters from a Mr. Charles Frazer, town-major at Charles-town, together with answers to them from colonel Hayne; as also the opinion of that colonel's counsel (a Mr. Pocock) respecting the court of enquiry into his conduct, and the sentence of death passed upon him. These letters, he said, had been transmitted to him through the channel of the Secretary of State's office, from a Mr. Bowman, a man to whom he was an entire stranger. From the detail of circumstances therein stated, it would appear that colonel Hayne had been first ordered to prepare for his trial before a court-martial, regularly instituted; that this intention had been afterwards changed into a court of enquiry. In consequence of which, colonel Hayne had been doomed to die. These circumstances of cruelty were aggravated by the treatment he met with in his last moments. At one o'clock in the morning he was informed that he must prepare to die at six, and leave his apartments at five, for that lord Rawdon and colonel Balfour, in virtue of powers vested in them, had come to the resolution that he should peremptorily be executed at the former hour. In consequence, however, of an application from governor Bull, and some persons in the magistracy of Charles-town, and others of reputable character in that place, a respite was granted him for 48 hours, and his clemency to the British officers when in his power was assigned as the reason; and yet what rendered this favour a little extraordinary was, that the following condition was annexed, that if any application should be made by general Greene, or any of his associates, for the unhappy man, he should be instantly put to death. Such being the state of facts, he was of opinion, that there was good ground for an enquiry into so astonishing and unprecedented a transaction. Our character as Britons inculcated that duty upon our minds, and the present deplorable state of our affairs pressed it upon us with irresistible weight. Our armies had been captured in those countries where our cruelties had been perpetrated. A proclamation, threatening retaliation in the strongest terms, had been issued against

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Rawdon?—and if, contrary to his expectations, any thing of that nature can be imputed to him, he will be very ready, as it never was his intention, to say so in his place, upon a desire from lord Rawdon, expressed in such terms as a man of honour can comply with—but a moment's reflection must satisfy lord Rawdon that the duke of Richmond cannot suffer himself to be dictated to by any man, and that such expressions can only serve to make it impossible for the duke of Richmond to give lord Rawdon the reasonable satisfaction, he is otherwise, of his own accord, desirous of doing, by disclaiming any intentions of attacking lord Rawdon's personal character, if any unprejudiced peer who was present, will say that there was the least reason for supposing he had done so.

No. V.—Ultimatum of Lord Rawdon, sent to the Duke of Richmond, by Lord Ligonier, on Friday evening, Feb. 22.

The duke of Richmond forgets that lord Rawdon does not solicit, but requires satisfaction for a gross injury offered (it matters not whether through design or carelessness) to his reputation. Were any reference necessary, the approved honour, as well as the distinguished ability of the Chancellor, would decide lord Rawdon to submit the case to his opinion; but lord Rawdon's feelings can alone determine whether any imputation may affect his character from the late proceedings of the duke of Richmond—Lord Rawdon has left the duke the only alternative his honour will allow.

The excuse required is here subjoined. It is expected that it shall be delivered in full House, by the duke, in his place.

'I find that my motion, for the enquiry 'into the execution of Isaac Hayne, has been 'considered as provoking a suspicion against 'lord Rawdon's justice and humanity. I so-'lemnly protest, that I did not conceive that 'it could throw the most distant insinuation 'upon his lordship's conduct; nor did I ever 'mean to say any thing that could have that 'tendency. Since I learn that the matter is 'thought liable to bear a false construction, I 'declare that I am very sorry to have intro-'duced it upon authority, to which (at the 'time of making my motion) I said I could 'affix no degree of credit.'

No. VI.—Memorandum of the result.

Lord Rawdon having requested lord Ligonier to demand from the duke of Richmond a decisive option upon the alternative proposed in the first letter, adhered to in the second message, and again ultimately insisted on in the message of last night—general Conway has this morning signified to lord Rawdon, on the part of the duke of Richmond, his grace's unqualified acquiescence, in making the excuse as required by lord Rawdon.

Saturday, Feb. 23, two o'clock afternoon.

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us by the general of that very army, an officer of which we had executed in so unauthorised a manner.—His grace here took an opportunity of stating to the House, the leading facts mentioned in Bowman's narrative, viz. that in the first note received from Mr. Frazer, town-major of Charles-town, the former acquainted colonel Hayne, that a court of field-officers would assemble at ten the next morning, in order to try him. That on the evening of the same day, Mr. Frazer wrote the colonel word, that instead of a court of field-officers, as mentioned in his note in the forenoon, it was intended, that the court should be composed of four field-officers and five captains, who would assemble for the purpose of determining under what point of view, he (Mr. Hayne) ought to be considered; that those contradictory letters had been sent to him on Thursday the 26th of July, and that on Sunday the 29th, a memorandum was brought him by the adjutant of the town, acquainting him, that in consequence of the court of enquiry, held the two preceding days, lord Rawdon and the commandant of the garrison, colonel Balfour, had ordered his execution on Tuesday next, the 31st, at six in the morning. That on his writing to lord Rawdon and lieut. col. Balfour, his execution was respited till the Thursday following.—His grace dwelt upon several of these circumstances, branded the whole transaction as a piece of unwarrantable cruelty, and equally disgraceful to the nation and the profession of arms. It was a transaction, he said, neither supported by prudence, justice, or martial law. In conclusion, his grace moved, "That an humble address be presented to his Majesty, that he would be graciously pleased to give direction, that there be laid before this House, copies or extracts of papers" [here his grace particularized the several papers] "relative to the execution of colonel Isaac Hayne."

Lord *Walsingham* said, that there was no one more deeply interested than he was in the general character of the nation; he did not however see that there was any foundation for an enquiry. The noble duke had moved for a number of papers, which he was sure were no way connected with the business, and which at present it would be highly improper to grant him. The account which he held in his hand was not authenticated; it was the production of a Mr. Bowman. This person, he was informed, was at New York at the time when the transaction alluded to happened. He had there copied it from one of the public papers, into which it had been transferred from a manuscript that might be very easily suspected, as it was not authenticated by any person of credit. With regard to Greene's proclamation, on which such great stress had been laid, it was evidently founded on falsehood, it having stated several facts well known to be diametrically opposite to truth. If he was rightly informed, Hayne, considering the nature of his crimes, had been treated with remarkable lenity and indulgence, having violated his oath of allegiance, forfeited any advantage he might otherwise have derived from his parole, and thereby subjected himself to the punishment of martial law.—His lordship said many handsome things of lord Rawdon; lamented, that officers of such acknowledged merit as his lordship and colonel Balfour should thus have their public conduct arraigned, and their characters wounded in most tender point, without a tittle of proof to support such cruel accusations: contending, that in point of candour, when such men were publicly accused upon murmur and flying reports, it would have been but fair, and indeed doing common justice to conclude, that those reports had originated in calumny and misrepresentation. His lordship concluded, with saying, he conceived that an enquiry was totally unnecessary.

The Earl of *Abingdon*. My lords, I troubled your lordships with a few words upon the present subject of debate, when it was last moved, and I did so, because being a case of humanity, my feelings were touched therewith; but now, my lords, I rise the rather to profess my intended silence upon this subject, than to add any thing to what I have already said. To profess my silence, my lords, because the matter, placed as it is in the hands of his grace, wants no assistance that I, or any one else can give it. To be silent, my lords, because what is this case in comparison with the many others which in precedence thereto, it is the bounden duty of this House to lose not a moment in deciding upon; for what is the case, my lords? It is the case of a cruel barbarous murder of an individual. But what is the cruel and barbarous murder of an individual, when compared with the cruel and barbarous murders which the

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whole of the American war has occasioned? what is this case, when compared with that of a noble peer of this House, solemnly protesting on the records of the House, against the principles of this war, and yet going forth himself, and in his own person, to counteract those principles, and to perpetrate such acts as these? what is this case, when compared with the case of one Arnold, who coming to this kingdom with his hands treacherously and traitorously reeking in the blood of his countrymen, to be closetted with the King, to be received at court, to be smiled upon, to be caressed, to be rewarded in contamination and to the disgrace of the British army; nay, what is more, my lords, to be made the instrument of that delusion to this country, which other refugees, like himself, if he has his fellow, have so successfully for themselves, though ruinously for the nation, promoted and obtained? what is this case, my lords, in comparison with that of an American secretary failing in his military character, for which he was so justly degraded, and now failing in his civil capacity, under circumstances of the highest aggravation, is yet to be rewarded for this very failure, with the dignity and honour of a peerage? and yet, my lords, great as these cases are, they are but effects whilst there still remains a case still greater, and the greatest of any, and that is, the cause of these effects. A case, my lords, towards which it is our especial duty to look; for, take away the cause, and the effects will cease; but leave the cause, and the effects will remain.—My lords, a great and wise peer of this House, the greatest and the wisest that this House ever saw, said, I heard him say it, "that there was something behind the throne of this country, greater than majesty itself." Another peer of this House, of learned authority, explained to my comprehension, that this something, which was greater than majesty itself, was an efficient cabinet. My lords, this efficient cabinet is the cause of all these effects; and yet, my lords, this cause is a cause unknown to the constitution of this country: an efficient cabinet is the king's-evil of this country; it is an excrescence from, and not a part of the body politic; if we are to be such savages, therefore, as to commit murder, let us murder this efficient cabinet: "Ense rescindendum ne pars sincera trahatur." My lords, whilst this cabinet remains, our evils will remain; and thus whilst your lordships are considering the case of an individual, thousands are equally perishing under the same fatal influence. Let me conjure your lordships, therefore, the rather to turn your eyes from these effects, and let us, like men, look up to the cause that has produced them; let us fix our eyes upon this cause, and let us, my lords, politically murder (for I mean no more) this cabinet (thank God I am no savage) and in so doing let us appease the manes, expiate the blood of colonel Hayne, by offering up a sacrifice in which even humanity itself is so much interested and concerned.

The Duke of *Manchester* said, a court of enquiry into colonel Hayne's conduct had been ordered posterior to the idea of bringing him to trial, in the usual form of a court-martial. In lord Rawdon and colonel Balfour's letter, or message to him, an intimation was given him, that he was not to be executed in consequence of the decision of the court of enquiry, but in effect of a power with which they were vested, and a particular resolution to which they had come. There must therefore have been either something very singular in the case of Hayne, or something precipitate on the part of lord Rawdon and colonel Balfour. This was the point which he wished to have explained.

Viscount *Stormont* said, he could by no means either see the grounds, or admit the expediency of the present enquiry. The papers moved for, had no doubt a general tendency to establish the foundation of a broad enquiry into the transaction. All such enquiries, however, implied guilt and blame, and ought to be avoided, unless upon the most pressing occasions. The officers who had been the authors of the affair in question, had acquitted themselves well upon every occasion. Neither of them was any favourite of his; but he would leave it to the judgment of their lordships to decide what effect an enquiry, conducted upon the plan proposed, would have upon the sentiments and character of two British officers, justly esteemed on account of the services they had rendered their country; and what influence such a transaction might also produce upon the minds of our enemies? The noble duke who had just sat down, wished to have a point explained, which he considered to be of consequence; it had a reference to the authority and power with which the military are entrusted. He wished, however, to

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state his opinion on this subject with deference, as he was no soldier. He had always reckoned it a maxim, established upon the most unquestionable authority, that an officer, who, having broke his parole, should afterwards fall into the hands of the enemy, was deprived by his breach of faith of the advantage of a formal trial, and subjected to be executed *instanter*. If colonel Hayne had broken his parole, there was no necessity for bringing him to a trial, according to the rules of military discipline. A court of enquiry was only necessary to ascertain the fact of his being the identical person who violated the principles of confidence reposed in him, and by so doing, had exposed himself to the severities of immediate punishment.

The Earl of *Shelburne* said, when the first step was taken in this affair, he was so much convinced of its useful tendency and of its total disunion from political consideration, that he readily concluded it would certainly meet with no opposition, and that for the honour of the nation it would be considered by all parties with attention and candour. The noble lord in the green ribbon had advanced a doctrine which to him seemed totally new. He had stated to their lordships, that an officer who had broken his parole, was liable to be put to death *instanter*, without the form of a trial. This idea he considered as erroneous, and one which ought to be reprobated. He would not, however, dwell upon this subject; a fact which had fallen from his lordship, perhaps deserved a more serious consideration. It appeared very plainly from what he had said, that in America the power of taking away the lives of the people was delegated by his Majesty to the commander in chief, and by him delegated to the next officer in authority, and by him to his inferiors. Sir H. Clinton was the officer invested with the supreme authority in America. He had entrusted the power reposed in him to lord Cornwallis; and he, in his turn, had transferred it to lord Rawdon and colonel Balfour. His lordship begged to know by what authority so important a jurisdiction over the lives of mankind was thus wantonly delegated from one person to another? This he considered as a most serious matter, and of the last consequence to the interests of this country. He was astonished, notwithstanding our late misfortunes, to hear the noble viscount who had spoken lately, affect the same tone and manner he had done upon former occasions, and enlarge upon the old distinction he had formerly established between the Britons and rebels. The language was too big for the times. He did not know how the noble lord might view things; perhaps his nerves were stronger than his; but he would acknowledge to him most sincerely, that of late the public disasters had pressed themselves upon his attention with uncommon energy, and had sensibly affected the general course of his happiness. It was now the 4th of February. No general plan of operation, however, seemed to be adopted. Our fleets destined for the East and West Indies were not yet under protection of a convoy; our forces, reduced by the climate and the sword, were not recruited; nor our captured armies replaced. A noble lord had some months ago formally assured their lordships, that he would soon acquaint them of the new system that was to be adopted; that he would inform them of the time when, the object why, and the place where. The period was now arrived when he ought to make these discoveries. The eyes of the nation were fixed upon the ministers of this country; all were anxious to know whether peace or war was their object; and it therefore became them no longer to affect a mysterious silence with respect to those who had ceased to place confidence in them, or to trifle with the patience of their fellow citizens.

The *Lord Chancellor* said, he never heard the noble lord who spoke last but with infinite pleasure; he was so well informed on every subject he spoke to; he was so circumspect, correct, and minute as to facts and circumstances, and withal his selections as to such parts of the debate as he might think proper to bring forward in a strong point of view, were in truth so judicious, that without wishing to give the noble earl credit for what he was not entitled to, he could fairly say, that he always heard his lordship with the greatest satisfaction. He had long observed, that whenever any argument could be urged in favour of a question which his lordship intended to support, no man was more apt or ready to suggest it, and as a kind of proof, that the motion made by the noble duke was such as could not be well supported, his lordship had declined entering deeply into the subject, and seemed willing to avoid all specification, keeping at a distance, and avoiding to enter fairly or

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directly into the merits of the question, by professing a total ignorance of every circumstance relative to the subject, but what he had read in the Leyden Gazette, or what he had learned in the course of the present debate. He said he believed it was the first time since the institution of parliament in this country, that a proposition was submitted to either House, without a single document or scrap of paper to support it; yet such was the motion of the present day. The noble duke stood in that predicament. He had no one document to produce, but a kind of representation or letter, or state of facts, conveyed to him by one Bowman, an obscure man, whom nobody knew, whom the noble duke himself confessed he did not know; yet, upon such an authority as this, their lordships, a sovereign power so far as they undertook to act, were very modestly called to go into a solemn enquiry. He, too, had received a letter from the same Mr. Bowman, he believed at least from some person who had assumed that name, and he was led to believe it was the same man, because the narrative transmitted to him, he could not then tell whether in print or manuscript, seemed to exactly correspond with that received by the noble duke. He was, nevertheless, free to declare, though the facts contained therein had been correctly stated, that he did not think them worthy of his attention. Under these circumstances he begged their lordships only to attend for a moment to what was proposed by the motion—no less than to address his Majesty for a whole list or series of papers of the most important nature, none of them, as he conceived, calculated to throw any light on the condemnation and execution of the rebel Hayne, but to treat unmercifully and ungratefully two very deserving officers. But he would now consider the question proposed by the noble duke, upon a presumption that the noble duke's documents were as authentic as those of Mr. Bowman, or any other of the friends of Hayne would wish to represent them. What did this evidence or narrative amount to? but that Hayne, a notorious rebel, being taken in arms, offered to submit upon getting a parole; that government, not choosing to trust solely to his parole, obliged him likewise to take the oath of allegiance, and retire into the country to his patrimony, but what was the conduct of this man, thus treated and indulged? His employment was that of fomenting faction and rebellion, urging and working upon the doubtful, confirming those of his own stamp, and endeavouring to seduce the loyal; of whom, when he could not make proselytes, he threatened with fire and sword; at length he carried his threats into execution, and that in the most merciless, bloody, and treacherous manner. There were several persons of property in his neighbourhood, who stood nearly in the same predicament with himself; those as opportunity served, and circumstances answered, he soothed and threatened, and was sometimes so successful as to bring over to his opinions, under various pretences and misrepresentations, such as the declining state of the British affairs in America, &c. Some, however, withstood all his solicitations, and remained firm in their resolution of continuing peaceable, and at least, neutral subjects to the British government. These he particularly marked out as the fit objects of his vengeance, and after giving notice, that he would on a certain day pay them a visit, determined to be as good as his word. He accordingly doomed one of them to destruction, and collecting a body of rebels, surrounded his house, and laid a kind of siege to it. It, however, fortunately happened for the devoted man, that he had notice given him just time enough to escape being murdered. From thence he and his banditti advanced into the country, and exercised unheard-of cruelties, marking their footsteps with destruction wherever they came; but it luckily happened on the very same day, while in the act of committing these barbarous enormties, he was surprized by a party of loyalists, and made prisoner. So much for the morality of the case, and the public and private virtues of the rebel Hayne. He would now offer a word or two, as to the justice of his execution. He was no soldier, but he fancied he was not totally unequal to the task of comprehending an author, whose opinions were universally assented to by all civilized nations; and of course, whose writings were deemed the true standard, by which persons in military situations were to conduct themselves: he meant that learned man, Grotius, who had written on the law of nations, necessarily including the laws of war and open hostility, which are besides particularly laid down in that celebrated work. Here his lordship quoted several passages from that author, and from Cocceius and Vattel, the two last of whom wrote much later than

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Grotius, in which it was clearly laid down, that all prisoners, as among common enemies, when taken in battle, are at the mercy of their captors, but that a more civilized and refined way of thinking had prevailed, by the accepting surrenders at discretion, or upon capitulation; which entitled the prisoner to his life, and to future release upon condition; but then it was allowed universally, and asserted without reserve, that a prisoner breaking his parole, forfeited all title to mercy a second time, and it was only necessary to prove his personal identity, to subject him to death *instanter*.

The Duke of *Richmond* said he entertained a very high respect for the learned lord, but no man, be his pretensions ever so high, had a right to make use of indecent language, much less to endeavour to mislead the House by improper ideas pressed on their lordships' minds. The noble lord, had however, in his conception, offended in both instances. He said, that those who seemed desirous to promote an enquiry into the execution of colonel Hayne, had treated those very deserving officers, lord Rawdon and colonel Balfour, most unmercifully and ungratefully. These epithets could be intended for none but him, and he must say, in point of propriety and decorum, that it was a freedom in debate by no means justifiable, and highly unbefitting the learned lord who made use of it. He must confess he sensibly felt its force, and it was a language he should never pass over without taking special notice of. But the principle or political maxim, coupled with this very severe expression, had still a worse tendency. What was it? That an officer, who by his services had merited the esteem of his country, was not to be called to account for his subsequent conduct; but that he, who, from public motives should promote an enquiry into it, would act most unmercifully and ungratefully. Now he thought, without entering into the merits of lord Rawdon and his colleague, that this was a most dangerous maxim to inculcate in that House.

Lord *Huntingdon* rose to state a few facts which had come to his knowledge through the officers just returned from America, whom he had seen, and which their lordships might wish to know. He said that lord Cornwallis had called on him, and given him authority to declare, that lord Rawdon had acted in respect to colonel Hayne exactly as he should have done himself, had he been in Charlestown at the time, and that he had executed several persons taken in arms, after having broken their parole, upon whom the same sort of court of enquiry had sat, as was convened and sat on the case of colonel Hayne. He added, that the noble earl told him, though he could easily delegate a power to hold courts-martial, he could not delegate a power to confirm their sentences. After this, his lordship explained to the House that a court of enquiry, while a country was under martial law, was not by any means a court to try regularly; it was neither a court-martial nor a court of justice, but was merely conducted on this principle, that with regard to those taken in arms after being out upon parole, or under protection, all that was deemed necessary, was to identify their persons, which was executed in the following manner: the delinquents were collected at a certain place, and such as came under the foregoing description, were instantly put to death; and great numbers of persons suffered agreeably to this rule, without any legal or civil proofs, regular enquiry, or trial whatever. With regard to colonel Hayne, he was informed by officers who knew the facts, that he had, on the capitulation of Charlestown, asked for his parole; that he had been denied it; that he then took the oaths; during the period, he raised an insurrection, and put himself at the head of 200 horse. That not far from him lived Mr. Creighton, an Irishman, who had been forced by the rebels either to supply them with provisions, or to lose his property, but who had likewise come in on the capitulation of Charlestown, and recovered his estate, making it, as it certainly was, a matter of some merit, that he had never been in arms against the British government, but had merely supplied the rebels with provisions. Colonel Hayne sent to this Mr. Creighton, desiring him to break his parole; Creighton refused, and then Hayne sent him word, if he did not break his parole, and join him, he would come and hang him up at his own door. Creighton still refused, and it was merely on the notice of a friend, given him but a short time before Hayne's arrival, that by secretly getting off through a corn field, a private way to Charlestown, he escaped with his life. Hayne arrived soon after at Creighton's, did him considerable damage, and proceeded to a house, which Creighton had fitted up as a tavern, and which he had let to lieutenant

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Waugh. Haynes killed Mr. Waugh, and took all the people in his house prisoners, and in the midst of the night, was himself taken by colonel Frazer, at the head of a body of provincials, which were originally infantry, but which had been mounted by subscription.

The Earl of *Effingham*.—My lords; I did not imagine I should have troubled your lordships again on any American question; that subject I relinquished, as soon as the fate of the last motion I made in this House was determined. But I consider the present motion, as rather tending to clear my country of an aspersion, which, if submitted to, would render it odious to the whole civilized world, than a mere question concerning the particular transaction which gave rise to it. I should have had nothing to add to what the noble duke stated, when he opened the business, but from the information I have received from the very lords who oppose the motion. When his grace began, he very candidly told the House, that he had no other grounds than a letter he had received from a Mr. Bowman, stating that an American officer, of high rank, had been put to death, with some circumstances of wantonness and cruelty, without having been heard in his defence, contrary to all law, and even humanity. His grace stated, that all might be false; but he contended that it was our duty to detect the falsehood of such an injurious report, that the world might see, we could not bear the suspicion of being such barbarians; or if, on enquiry, it should unhappily be found true, we ought, in vindication of the national honour, to trace out, and punish the authors of such an outrage. This reasoning would have been sufficiently conclusive to me, for establishing the propriety of his grace's motion, for the papers therein called for; unless any of the King's ministers had officially declared the rumour of the transaction false; but judge, my lords, of my surprise, when I found all the arguments made use of to put off the enquiry, directly tending to prove the truth of the report, with all the horrid circumstances attending it. The first noble lord who opposed the motion, told your lordships, that Mr. Bowman was at New-York, at the time of the transaction: from hence we are to understand, that Mr. Bowman is not only a person sufficiently worthy the noble lord's attention, to make him take notice of his goings and comings, but also, we are informed that his lordship knows the fact of colonel Hayne's execution, and of the time when it happened. Another circumstance, of some importance, we are indebted for the knowledge of, to the learned lord on the woolsack; that is to say, that Mr. Bowman (who, by the bye, appears to be a person well known to his lordship also) took his account from the Philadelphia newspaper: this circumstance might, at first sight, invalidate the strength of Mr. Bowman's evidence; but, if attended to at all, will wonderfully confirm the fact in question; for in the first place, the learned lord must have compared that paper with Bowman's account. In the next place, we see in Bowman's account, that colonel Hayne, when he found his murder resolved on, desired an account to be transmitted to the delegates of the province. Thirdly, we all know that Congress have usually printed in the Philadelphia Gazette, whatever accounts they thought proper to give to the public. And lastly, nothing is more likely than for a person at New-York to conclude that, whether an account so conveyed was in reality true or false, it would be sure to find credit in so many parts of Europe, as to make it a matter of consequence to us, to prevent the nation from being stigmatized, as a people wholly regardless of the rights of humanity, and the rules of civilized countries. In this light I cannot help applauding Mr. Bowman, for having sent the earliest account he could, to so many persons of rank and character, as he now appears to have done, and thinking the enquiry highly requisite. A circumstance, which I think your lordships must deem of still greater consequence, has been communicated by the noble lord who spoke last, who professedly rose to defend his relation, and to acquaint your lordships with some matters, which he deemed fit for your lordships to be acquainted with. The sum of his lordship's information has been, that the country alluded to was under martial law; that this same martial law vested prodigious authority in the commanding officers, and that the usual administration of this martial law had been of the most easy and compendious kind, having had no other rule to confine it, than the appointing a court of enquiry, consisting of three officers of the Provincial Loyalists, who looked over the prisoners at any time brought in by the King's forces; and whoever was, by this new-contrived court, declared to have broken parole, was immediately or-

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dered for execution. My lords, I have heard it reckoned a curiosity in Denmark, that they once possessed a code of laws in one octavo volume: with what humiliation must that, and all other countries submit to the wisdom of this new system of jurisprudence, wherein the whole body of this municipal law might be written in the compass of a silver penny.—My lords, I do not know that any one attacked the character of lord Rawdon; on the contrary, I am myself persuaded, that if the papers moved for, should shew he had any hand in the transaction, they will at the same time shew, he acted not so much according to his own judgment, as to his orders. Much has been said of the character of colonel Hayne, as if he had deserved whatever punishment had been inflicted on him. Now, my lords, I shall only contend, that if colonel Hayne had been the worst man that ever lived, still he should be proved guilty of some specific crime, before he is put to death: and we ought to remember, in justice to him, that, notwithstanding he has been painted in such dark colours this day, yet one virtue, at least, was allowed him, by our commanders in America, that of humanity. I wish he had had the opportunity to have returned the compliment. If this improvement upon the *jus gentium* had rested solely on the authority of the noble lord, I should have left it to refute itself, as I think it would have done, by its manifest repugnancy to the common rights of mankind, and the consideration of the noble lord's being under no particular professional obligation to render himself master of the subject. But in the present case, two of his Majesty's ministers have stepped forth, and laid down some doctrines, so contrary to what I take for truth, that I feel myself under an obligation to make some observations upon them. The noble lord in the green ribbon has asserted, that it is a known rule, that a prisoner of war, having broken his parole, has thereby forfeited his life; and is to be executed like a spy, without any other form than what may suffice to identify his person. This I will venture to deny ever to have been laid down in any book of authority, or ever practised in civilized countries. The learned lord, indeed, in confirming this doctrine, has quoted Grotius; I wish his lordship had been more explicit; for it is with great diffidence I can oppose my knowledge of Grotius to his lordship; and yet I am clear that Grotius never wrote one word about prisoners on parole: he never heard of such a thing. It is a very modern civility, introduced into some countries only. And it is more resembling what we call bail, than any thing else: and whoever runs away from it may be more closely confined; but not put to death, by any rule I ever heard.—Another circumstance I must mention, is, that the learned lord has, I dare say without any design to mislead, drawn a comparison between the situation of an officer breaking his parole and a spy. My lords, the cases are totally unlike. A spy is one who enters any works, or posts, in a pretended character, which entitles him to protection; and thus most essentially differs from an officer coming in his own character, with any hostile design whatever. That spies are allowed to be hanged with very little ceremony, is very true; but still they are heard in their own defence, and what, between humanity and policy, do oftener escape death that if formally tried by a court martial. Another material mistake of the learned lord's is, that if col. Hayne had been proceeded against, as having taken the oaths of allegiance, there was no court could try him: but I think the law is otherwise; for I imagine his lordship must himself have put the great seal to a commission, enabling the governor of Gibraltar to try every crime by a court martial which might here be tried at the Old Bailey: and the Mutiny Act expressly declares, that where no civil jurisdiction is established, all crimes are to be tried by a court martial. What particular authority, as to the holding court martial, and approving their sentence, may be vested in any particular officers in America, I know not; and that is the very reason I wish to have the papers now moved for, brought before the House.—The rumour on which the motion was founded, has been so confirmed, in most of its circumstances, by the ministers themselves, as to justify me in pronouncing the proceeding in question, very indecent and irregular, and of a dangerous tendency to the interests of my country. For this reason, I wish an enquiry into the fact, and its promoters; I most heartily give, therefore, my vote for the motion.

The House divided: Contents, 25; Non Contents, 73.

Debate in the Lords on the Surrender of the British Army under the Command

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of Earl Cornwallis at York Town.] Feb. 4. The Duke of *Chandos* informed the House, that he wished to institute an enquiry into the causes of the loss of the army, under the command of earl Cornwallis, at York-town, should ministers decline so essential a part of their duty. The noble viscount in the green ribbon, whose official situation entitled him to speak with authority, seemed to approve of an enquiry; but appeared equally averse to take any one step whatever to promote it; for when he had put the question to the noble viscount, whether or not, it was the intention of administration to set such an enquiry on foot, his lordship remained totally silent. The noble lord's silence being by no means satisfactory, he was determined to bring the matter forward, and therefore moved that the House be summoned for Thursday next.

Feb. 7. The order of the day being read,

The Duke of *Chandos* said, he did not mean to embarrass ministers, collectively or individually: he had no ill-will to any one of them in his private capacity; nor in his public capacity was farther interested in their removal, than as he imagined the public might be benefitted by the same. The motion which it was his intention to submit to their lordships, was a proposition that would necessarily embrace a variety of objects, and include in it an enquiry into the conduct of many persons of rank and authority in the state. It would, in the first instance, go to an immediate enquiry into the surrender of lord Cornwallis and the British army at York-town and Gloucester. The sovereign, parliament, and the nation at large, were entitled to be satisfied, as well upon the general principles of the failure of the war as the disastrous accidents which had happened. The capture of two British armies, of considerable strength and number, was a circumstance, he believed, unknown to have taken place during the course of any one war in the modern annals of mankind; but he meant to confine himself at present merely to the disaster at York-town. He should not have presumed to have troubled their lordships upon speculative reasoning, mere general rumours, or personal considerations. He should with equal care endeavour to avoid those subjects which were so apt to mix themselves in the discussion of all political questions. He appealed to their lordships on the broad ground of justice, of that national justice which every man in this country had a right to demand, and which it was their lordships peculiar business to administer. He would mention a circumstance or two, if any were wanted, which would probably ensure success to the proposition he was about to move; the first was, that of the noble viscount in the green ribbon, who asserted without reserve, that the calamity at York-town was a signal and a fatal one, and if the authors of that calamity could be discovered, and their criminality fairly brought home to them, that man, be his rank, pretensions, or services ever so high or conspicuous, would deserve to be brought to immediate and condign punishment. A noble lord in high office, in his opinion spoke in still an higher and more peremptory tone, (lord Hillsborough) for he affirmed in that House, not very long since, that an enquiry ought to be instituted into the cause of the loss of the army under earl Cornwallis, and that it would most certainly be instituted. His grace then moved, "That a committee of the whole House be appointed on Monday next, to enquire into the causes of the calamitous loss of the army commanded by lieutenant general earl Cornwallis, and made prisoners by the United States of America, and the troops of France, at York-town and Gloucester, in the province of Pennsylvania."

Viscount *Stormont* said, whatever part he might hereafter take in respect of the objects of the enquiry, he nevertheless must oppose any motion which amounted to a recognition of the independency of America. He thought it fit, therefore, thus early, to apprize the noble duke, that if his motion was pressed in its present form, he would take the sense of the House upon it. It would, as he apprehended, amount to a recognition of American independence, he meant the concluding words, which stated, that lord Cornwallis and his army had surrendered to the United States of America.

The Duke of *Chandos* replied, that he believed the noble viscount had mistaken the sense of his motion. It was not an assertion of any right of independency, or any other right he knew of; for the whole of the motion, but the mere form, was no more than a correct transcript from one of the articles signed between lord Cornwallis, as commander in chief of the British forces, and general Washington,

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commander of the United States of America.

The Duke of *Grafton* said, as there appeared some disposition in government not to oppose the enquiry, he wished that the motion might be amended, and if it did not go to defeat the object of the noble duke's proposition, he made no doubt but his grace would agree to amend it, so as to remove the objectional part. He agreed with the noble duke, that stating a fact, copied from the articles of capitulation at York-town, would not amount to a recognition of the right of the independency of America, but still he thought it better to meet the noble viscount half way, than stand out for what appeared to him little more than a mere matter of form. He was not prepared to move any thing regularly, but under favour of the noble duke he would just beg leave to suggest the introduction of two words, "stiling themselves" the United States of America, &c.

Earl *Gower* seemed to agree in a great measure with the noble duke who spoke last, but could not coincide so far with his opinions as to think it at all neccessary that the motion, even as proposed to be amended, should be adopted; because, though such a narrative amounted to nothing positive, it would be extremely improper that parliament should, by a solemn act, recognise in any form the United States of America.

The Earl of *Shelburne* said, he would go as far as any man to conciliate the noble viscount and the noble duke; but he must confess, how much soever he approved of what had fallen from the noble earl who spoke last, he could not see the matter in the same point of view: if he had, he would be one of the first men in that House who would rise to oppose such a recognition, and scout so improper an idea out of the House. His principles on the subject were well known; he had repeated them from year to year in their lordships' hearing, that he never would consent, under any possible given circumstances, to acknowledge the independency of America. He knew those ideas, both within and without doors, were in some measure unpopular, but he preferred the performance of his duty, and the discharge of his conscience, to every other consideration. He was known to differ from his most intimate friends and respectable connections on the subject. But for his part, as he wished to give his opinion without reserve, he could not for his soul discover how such a motion, as it would stand if amended by his noble friend who sat near him, had the most distant tendency to recognise or establish the presumed independent claim of America, under the description of the United States.

Viscount *Stormont* was clearly of opinion, that the amendment would not remove the difficulty, and perfectly agreed with a noble earl (Gower), that it would be extremely improper to adopt the language of those stiling themselves the United States of America, in a British House of Parliament. The noble duke reminded him when he first rose, of an expression which had fallen from him in the course of a former debate; that whoever were the authors or cause of the calamity which had happened at York-town, if clearly pointed out to the satisfaction of the public, deserved to be brought to immediate and exemplary punishment. But he begged to remind the noble duke, that he likewise added, that although it might be very proper to institute an inquiry, the mode was a point well worthy of previous consideration, because there were military inquiries, and other modes of discovering truth; and though he did not mean now to give an opinion upon a subject, which seemed to carry the sense of the House with it, he was free to declare, that as far as his experience, or memory served him, he never recollected an instance, in which a parliamentary inquiry answered any beneficial or truly national purpose; whereas there were, he believed, many instances where it produced a directly contrary effect.

The Duke of *Richmond* said, the words "United States of America" struck him as essentially necessary to the motion. A great part of the inquiry might possibly be directed solely to that point, and the surrendering to the arms of the United States might turn out to be the chief matter of blame. Besides this, the words were not declaratory on the part of the House, they gave up nothing, they conveyed no acknowledgment either of one kind or other; they were words merely descriptive in their nature and in their application. It was perfectly new to him to object to descriptive words. The practice of the House had hitherto been of a different kind; and must be so now again, as formerly, if the House found it necessary to vote a libel; suppose, for instance, it was publicly asserted in print,

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that king James was the rightful sovereign of England, and that the crown ought to have gone to his descendants; in voting such a publication a libel, the House necessarily must describe the libel in its own phrases in their vote; but would any noble lord contend, that the House either acknowledged, asserted, or declared king James to be the rightful sovereign, or his heirs entitled to the crown? Certainly, there was not a man in the kingdom so absurd as to maintain such an argument; the case was the same with regard to the noble lord's motion. But the noble lord in the green ribbon went farther, and said, "were the words United States of America to stand on the Journals, it would be giving up the essential rights of the nation." If any essential rights were given up, the duke said, they were given up already; lord Cornwallis and the other British officers, who had signed the capitulation, had done it; that matter therefore, and all idea of the recognition of the independence of America, was now past consideration.

The motion was at length amended thus, "That this House will, on Tuesday the 19th instant, resolve itself into a Committee of the whole House, to inquire into the Causes of the great Loss which the nation has sustained by the Surrender of the whole Army under the command of lieutenant general earl Cornwallis, at York-town and Gloucester, in the province of Virginia, as prisoners of war."

March 6. The House having resolved itself into the said Committee, and the various papers moved for having been read,

The Duke of *Chandos* rose and observed, it was obvious, from the papers, that the officers stood fully acquitted of all blame. I find, he said, they have acted their parts, with fidelity to their country, though their services have been accompanied with disaster and disgrace: it is not therefore to their misconduct, that I am to attribute our present forlorn prospects; they have discharged their duty with an integrity becoming their characters; but, unfortunately, they were mortals, and could not resist those complicated difficulties, to which, by the misconduct of those at a distance, they were unhappily exposed. From the papers which have, day after day, been read to your lordships, nothing appears to me in a stronger light, than that the immediate cause of the capture of the British army under lord Cornwallis, arose from the want of a sufficient force, to cover and protect it, in the Chesapeak: this is the ground upon which I place my foot; it is here, my lords, that I erect my standard. Owing to causes of a similar nature, owing to our army being supplied with scanty handfuls of men, by which the superiority of the enemy, in point of numbers, has been supported and maintained, our misfortunes have accumulated upon us. This truth, I am confident, appears every where, from the history both of our naval and military operations in the western world. Had the army under lord Cornwallis been protected and supported by a powerful fleet in the Chesapeak, might it not have been saved from ruin, and the disgrace of its capture avoided? In like manner had sir H. Clinton been supplied with a proper number of troops, essential aid might have been communicated to lord Cornwallis, and his hands strengthened against the common enemy. —In applying this general observation to the present case, he did not, however, mean to throw the whole blame upon the Admiralty, for not having appointed a sufficient naval force to protect the British army at York-town. It was no novel doctrine, that they derived their authority, and received their orders, from the cabinet. Though they were responsible in some measure for their conduct, yet it was the cabinet that was ultimately amenable in the present instance. He meant, therefore, to direct the motions he was about to make against this collective body. It was owing to them that the army at York-town, under lord Cornwallis, had been captured, and America lost to this country. Why was not a greater number of ships sent upon so important a service? Where were the fleets of England now stationed? Why were not the armies of this country properly increased? Why did we not make alliances and confederacies with other countries, instead of sending half a dozen or a dozen British officers, all over Germany, to collect 1,000 or 1,500 mercenary troops, like so many poulterers employed in picking up as many chicken? Our disasters, continued the noble duke, press the present subject of enquiry upon my mind. Not only is America lost to this country, but Minorca is also gone, and our valuable islands in the West Indies fall, day after day, like ninepins. Another House has, upon a late occasion, given evidence of its sensibilities, in respect to our present misfortunes; I venerate it on account of its late decision, which I vow

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shall be consecrated in my memory to my latest hour; and which, I think, merits to be written in letters of gold. Let us, my lords, compare their conduct with that of our own; I protest, for my own share, that I feel myself almost disgraced by holding a seat in this House. I am descended from a race of ancestors more ancient, and as illustrious as many of those of your lordships' ancestors, some of whom have bled or been sacrificed for their country; but what would they think, if at the present moment they were to behold the calamities of this country, and the disgraces which this House has entailed upon itself?—His lordship concluded with observing, that though he was incapable of bringing any one over to his opinion, by his oratorical abilities, not being much practised in the habits of public speaking, yet he was convinced of the integrity of his own intentions, and of the justice of what he had advanced; he was, at all hazards, determined to pursue the conduct of that cabinet, which had brought disgrace upon the country, till at last the inflictions of justice were put in execution upon it; for this purpose, he would submit to the consideration of their lordships, the two following motions: 1. "That it is the opinion of this committee, that the immediate cause of the capture of the army under earl Cornwallis, in Virginia, appears to have been the want of a sufficient naval force, to cover and protect the same." 2. "That the not covering and protecting the army under earl Cornwallis, in a proper manner, was highly blameable in those who advised and planned the expedition."

The Earl of *Sandwich* said, that he felt his task to be a very arduous one: that defending the plans of ministers, after those plans had unfortunately failed, was an extreme difficult matter to attempt; and however fair the intentions of ministers might have been, however wise their plans, as far as the situation of affairs, and the probable turn they would take, might appear to them at the time they formed these plans, it was by no means easy to combat the strong prejudices arising from ill success, or to convince men, whose minds were deeply impressed with sentiments of disappointment and mortification, that a calamity, which was certainly a very serious one, had been an instance of the uncertain chance of war, rather than a circumstance arising from neglect in ministers, from their want of foresight, or their want of caution. He most heartily agreed with the noble duke, and he was much pleased to find a mode of reasoning adopted by his grace, so exactly corresponding with his own sentiments: for what was the language held by the noble duke, but that neither the first lord of the Admiralty, nor those connected with him in that department, were at all responsible for their conduct in that degree which might be commonly imagined. There was a trust reposed in them by the majority which decided in his Majesty's councils; and in proportion as they executed this charge with fidelity, they were justifiable or blameable. So much he would say, in concurrence with the noble duke, in behalf of himself, and in defence of those conjoined with him in office. He did not, however, mean, by this observation, to avoid saying any thing upon the present subject of debate, in answer to what had been stated by his grace. He had made an observation, and founded his motion upon it, that there was not a sufficient force to protect the army under lord Cornwallis at York-town. When he undertook to take off the force of this assertion, he begged to acquaint their lordships, that he did not mean to throw blame upon any character, naval or military. He was ready to bestow the same praise upon our generals and admirals as had been so liberally bestowed by the noble duke. He was convinced, that any fault, or any neglect of duty, was not to be laid to their charge. He was equally well persuaded, that upon a due investigation of the matter, their lordships would find that the causes of the misfortune which formed the subject of the present enquiry, were to be attributed solely to accident, and not to those circumstances which had been suggested by the noble duke. He would, therefore, state to them the precise facts respecting the situation and numbers of the British fleet in the West Indies and America, at the time alluded to; from which it would appear, that the lords of the Admiralty proceeded upon solid presumptions in their administration, and that neither they, nor those who in the aggregate directed his Majesty's councils, were at all criminal on the occasion. The number of the British fleet in the West Indies, previous to its sailing for America, was 22 ships of the line. This number was, however, considerably lessened, owing to particular casualties. The Sandwich, forming one of the fleet, was unfit for service. Two more were ordered

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for the Jamaica station, and four employed as a convoy to the homeward-bound trade. Besides this, sir George Rodney brought home with him the Gibraltar, which was in a state of tolerable repair, and might have been carried with safety to America. In this manner the fleet was reduced from 22 to 14 sail, whereas the enemy's, collecting its force from all quarters, having no convoy to protect, proceeded to America with an unexpectedly superior force. This circumstance, however, could not have been foreseen by the Admiralty at home: it depended upon an unknown arrangement of system in our naval affairs, and could not of course have been remedied. He wished, for his own part, that particular situations had admitted of a different sort of management, and that so large a number of ships had not been employed in convoying the trade. His lordship then gave a statement of the French fleet, which, he said, was 27 in number, and observed, that every step which was proper had been adopted by the Admiralty. The noble duke had asked, where were the fleets and armies of England? He would tell him, some of them were in America; many of them in the West and East Indies; and not a few employed at home. In short the Admiralty had arranged matters agreeably to the best of their judgment; and he would add, without dreading being taxed with presumption, to the best of their abilities. We had been unfortunate, it was true. The minds of mankind were of course affected; their prejudices awakened; and they were consequently led to enquire after, and conjure up causes, which, in fact, had no existence. Our misfortunes originated in an unhappy combination of circumstances, and the hand of Providence did not seem to favour us. These were the real sources of our disasters, and it was in vain to seek for them elsewhere. Having persisted in this style of reasoning for some time, his lordship observed, that he by no means considered the motion in a favourable light. It seemed directed more against men in office, with a view of aspiring at their places, than calculated to produce any good effect. In enumerating the various causes of our misfortunes, the noble duke had forgot one thing, viz. the obstruction that people in administration had met with from opposition, who had clogged the wheels of government, and prevented their proper operation. His lordship said, that in a general point of view, when a country was engaged in an extensive war, it was the duty of ministers so to distribute the force of the country, as to cover the whole of their possessions, as far as the extent of that force would allow. If any one station, for instance, was overloaded with naval force, in such a war as the present, that would be extremely unwise; because, of necessity, some other part of our possessions must be left in a weak, defenceless, and unprotected condition. His lordship farther urged the absolute necessity there was to exert every nerve for the relief of Gibraltar; and endeavoured to demonstrate, that protecting that fortress held out a certainty, which no operations in the West Indies, at that time, possibly could: this measure farther recommended itself to him, because the probability of giving the British fleet an opportunity of meeting that of Spain, was a most flattering prospect to those acquainted with the strength of the contending parties, and the bravery and skill of our officers and seamen.

The Earl of *Derby* said, that he felt strongly what had fallen from the noble lord towards the conclusion of his speech; he would therefore make a reply according as his feelings suggested to him ideas respecting the sentiments of the noble lord. The noble lord complains that the prejudices of the world are settled against him: good God, my lords, I am astonished at the impudence and assurance of such an assertion. [Here there was a cry to order.] His lordship, however, justified the propriety of his assertion, and said that he would not retract it unless by the order of the committee, to whose authority he implicitly bowed. He was astonished at the assurance of the noble lord, who had complained of the prejudices of mankind; were not these prejudices well founded? Had not the people at large a right to them? Administration had ruined this country, and the noble earl complained, that the generality were prejudiced against him. If this was not assurance without example, he had no knowledge of the differences of things. But this is not all, continued his lordship; the noble lord affirms, that administration have had no success, because the wheels of government have been retarded by the influences of opposition. Can any assertion be more groundless? Has opposition in this House yet carried one point? Has one soldier demanded, been refused? Or

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one shilling asked, and not obtained? The noble lord laments that the hand of Providence is against us. I by no means see reason to justify so melancholy a reflection. Consult the history of the war, and your lordships will find that Providence has been much more favourable than we could have expected, or in fact deserved. —After a pretty warm effusion on these general points, his lordship came to consider the statement of the fleet in America given by lord Sandwich. He said, in the enumeration of the forces of our enemies, he had unfortunately forgot to mention the ships under the command of M. de Barras, the number of which was considerable, so that the fleet of the enemy was much more numerous than he had stated to their lordships. He wished to know for what reason our fleet was apportioned in the manner which the noble lord had mentioned, and begged to be informed, why sir G. Rodney had been brought home in an 80 gun ship, and whether he might not have been conveyed to this country equally well in a frigate? He said, these were points upon which the noble lord seemed particularly shy, and he wished to draw from him information in regard to them. His lordship dwelt upon our public disasters, made allusions to the capture of Minorca and St. Kitts, and subjoined, that he would not exhaust these subjects at present, but reserve them as grounds for future enquiry, and impeachment. Sufficient for this day was the evil thereof. He concluded with applauding the zeal and perseverance of the noble duke who had made the motion. He hoped it would be well received; it had his hearty consent.

Earl *Temple* said he was always happy to receive information from their lordships, and was particularly fortunate, that though he had risen almost at the same moment with the noble lord who had just sat down, the noble lord had been heard first, as he had borrowed much information from him. He remarked, that the noble earl at the head of the Admiralty had given a general state of the French fleet in the West Indies and America, previous to the capture of the army under lord Cornwallis; he had, however, forgot to take any notice of five ships stationed off the Cape, and of the force of the Spaniards at Cuba. These were facts which merited consideration. He had likewise asserted, that our naval armament was much greater than at any former period. For his own share, he much doubted the fact, and would meet his lordship when he chose upon the enquiry. He declared, that our situation and conduct was such, that he was now almost ashamed of being a member of this House, and a Briton; and that if it were not for particular connexions, he would most unquestionably leave the country.

The Marquis of *Carmarthen* begged to know whether a letter, dated the 6th of July last, and received the 12th or 13th of the same month, by the Admiralty, giving an account of the force and time of sailing of the fleet under M. de Grasse, was upon the table. He said he had looked for it, but had not found it. [Upon searching for it, it could not be found.] The marquis then begged to know, from the first lord of the Admiralty, whether any steps had been taken by his lordship, in consequence of this speedy information, to frustrate the views of our enemies. This called up

The Earl of *Sandwich*, who read a paragraph of a letter from admiral Graves, which he presumed contained the sum of the information desired by the marquis. He then went into the consideration of the different arguments that had been employed against him. He said, the noble earl who spoke last, had misunderstood him in respect to the fact of the Sandwich; and that as to the bringing home of the Gibraltar, sir G. Rodney had not thought that her remaining in the West Indies, or her going to America, was at all necessary. Here he read a paragraph from a letter of sir George upon his arrival in Ireland, in which he stated, that he thought the force sent against the enemy sufficient to give them a proper check. His lordship subjoined, that if he had forgot to take notice of the fleet under M. Barras, it had also been omitted, by opposition, to say any thing of five sail of the line of British ships which were then in America. The fact was, our misfortune did not arise from the inferiority of our fleet in point of numbers, for the one half of the ships were not engaged in the action.

The Duke of *Manchester* produced the copy of a letter from sir George Rodney, which his grace read; and insisted on it that it was evident, the neglect of not having a proper naval force in America, was the cause of the calamity as stated in the motion, which he declared had his full consent.

The Duke of *Richmond* took a review

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of all the naval events of the year 1781, and asserted, that the whole was one continued series of proofs of the ignorance, incapacity, want of exertion, and want of prudence of ministers. His grace contradicted lord Sandwich's account of the British and French force, and declared that the noble lord had greatly misrepresented it.

Viscount *Stormont* observed, that the question was divided into two parts, the first of which was only then before them; but as the other was meant to follow, if the first succeeded, he should consider both together. His lordship then went into a discussion of the several calls upon ministers to attend to very distinct and different services in the year 1781. He said, Gibraltar ought to be relieved at the time that the noble duke and other noble lords, who had supported the motion, had asserted, that a larger naval force ought to have been sent to America. That preference of service was a matter of doubtful political expediency, and ministers could only act, previous to any event taking place, to the best of their judgment. So long, therefore, in a crisis like that alluded to, as ministers acted with a good intention, and as matters then stood, with a strong probability that the measure they had adopted, was the most fit for them to adopt under the circumstances that served as a guide to their conduct, they appeared in his mind by no means to merit censure; on the contrary, he was persuaded, they were entitled to the approbation and thanks of their country. With regard to M. de Grasse's fleet, it was not possible for them to imagine, that so large a fleet would leave so large a convoy, and proceed directly to America, in order to strike a capital blow at once, and capture the army under lord Cornwallis. Had ministers been apprized of such an intention, they would then have been highly criminal, had they not taken proper measures to have prevented it.

The Duke of *Richmond* noticed the noble viscount's expression, that to determine which would have been the wisest step to have taken, whether to have sent a large force to oppose M. de Grasse, or to have sent to relieve Gibraltar, was a matter of doubtful political expediency. His grace declared his opinion was directly the reverse; he thought it was by no means a matter of doubtful political expediency; ministers ought, without hesitation, to have sent to meet and oppose M. de Grasse, since they either did or ought to have known that he had sailed. And as to the noble lord's declaring, that they had no conception that the French would do so magnanimous a thing, as to collect their naval force, trust their fleet of transports, &c. to some degree of risk, and go to strike an important blow against our force in America, if ministers could acknowledge that they really had never thought it possible, he should think ten times more contemptibly of them than he ever imagined he should have done. His grace asked, why admiral Darby had not been ordered to detach from Gibraltar to the West Indies, after he had relieved the garrison? Even then it would not have been too late for some of our men of war to have arrived in the West Indies before M. de Grasse, whose fleet was encumbered with a large, heavy, and slow-sailing convoy. He spoke to a variety of naval events, particularly that of admiral Darby's going with his fleet off Cork, in order to be joined by the victuallers. Every naval man he had talked to on the subject, had expressed his surprize at admiral Darby's not having rendezvoused at Plymouth, and ordered the victuallers to have come to him there, or to have joined him at sea. His grace enumerated our losses, and particularly mentioned Minorca. He said, if ministers did not mean to relieve the garrison there, or could have done so, it would have been wise to have given it up. Nay, he would say more; after it was besieged, it would have been more humane and laudable, had they even sent out an order for general Murray to have surrendered it; it would have saved blood, and not have taught the army to despair of any the least care of them being taken by ministers. He applied to lord Sandwich, and asked him if he thought it honourable, nay, if he thought it honest to continue in his office, after he knew that 217 members of the House of Commons had expressed their strong disapprobation of his conduct? The noble lord knew, that one half of the people, at least, disapproved of him as a minister, and wished him out of office; he ought, therefore, to retire, and obey their inclinations. His grace concluded with earnestly entreating ministers not to trust too long to their majorities, but to comply with the wishes of the people in time. If they did not, he feared, the people would be provoked to enforce those wishes in starts and irregular sallies, in a manner that might lead to confusion,

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and do a great deal more harm than good.

The question having been put, on the duke of Chandos's motion, the committee divided. Contents, 37; Not Contents, 72.

Debates in the Lords on the Advancement of Lord George Sackville Germain to the Peerage.] Feb. 7. The Marquis of *Carmarthen* rose and said, that he understood a person who had in his military character been publicly degraded, was shortly to be called up to that House. He did not mean to dispute the prerogative of the crown; but he thought the creating such a person a peer was a disgrace to the House. He felt so in his own breast, and he trusted every one of their lordships would be impressed with feelings of a similar nature. He called therefore upon the House for instruction and assistance; he knew not what sort of motion to frame, nor what step it would be regular to take, previous to the disgrace falling upon the peerage, to mark their sense of the circumstance; and in doing this, he solemnly protested he was actuated by no motive of a political or a personal nature; he sincerely pitied the individual who laboured under such a heavy load of stigma, as in his mind was contained in the sentence in question, a copy of which he held in his hand. It was on that account, and that only, that he thought it a dishonour to the peerage to have such a person made a member of it. If the sentence had been altered upon a revision of the facts that came out on the trial, and done away, as much too severe; in short, if the marked disgrace it affixed on the person made the subject of it, was removed in any way whatever, he should think all objection removed instantly, but while the sentence remained in full force, he could not but conceive it to be an ample reason for their lordships coming to some resolution, expressive of their opinion upon it. This feeling struck his mind, as soon as he heard the report, and he had communicated it only to one man living, though he had that morning conversed with noble lords, then in the House, on other topics; so conscious was he that the bare mention of it would be sufficient to induce every one of their lordships to feel, as men jealous of their honour must necessarily feel on such an occasion.—Finding no peer rise immediately, his lordship got up again and moved, "That it is derogatory to the honour of this House, that any person labouring under the heavy censure comprehended in the following sentence of a court martial, and the public orders given out in consequence thereof, viz. 'This court, 'upon due consideration of the whole mat-'ter before them, is of opinion, that lord 'George Sackville is guilty of having dis-'obeyed the orders of prince Ferdinand of 'Brunswick, whom he was by his com-'mission and instructions directed to obey, 'as commander in chief, according to the 'rules of war; and it is the farther opinion 'of this Court, that the said lord George 'Sackville is, and he is hereby adjudged, 'unfit to serve his Majesty in any military 'capacity whatever.' Which sentence his Majesty has been pleased to confirm. 'It 'is his Majesty's pleasure, that the above 'sentence be given out in public orders, 'that officers, being convinced, that nei-'ther high birth nor great employments 'can shelter offences of such a nature; 'and, that seeing they are subject to cen-'sures much worse than death, to a man 'who has any sense of honour, they may 'avoid the fatal consequence arising from 'disobedience of orders,'—should be recommended to the crown to be raised to the dignity of a peerage."

The *Lord Chancellor* left the woolsack, and informed the House, that he felt it to be his duty to state to their lordships, that it would be, in his mind, altogether irregular and disorderly, even to put such a motion, as that which he held in his hand. The motion turned altogether upon a fact, by no means before the House, and surely it would be extremely hard, and very inconsistent with their lordships' usual liberality and candour, to annex so severe a censure, as the censure of that House, to a sentence supposed to have passed on a certain person therein named, at a particular given time, but to all which facts, viz. the demerits of the party that called upon him such a sentence, to the sitting of the court-martial, to their having declared such a judgment, and to the other matters stated in the supposed circular order, the House was at that moment, in point of parliamentary form, utter strangers. Having stated this, his lordship submitted it to the noble lord, whether it was such a motion as he in his cooler consideration would wish to have inserted on the Journals?

Lord *Denbigh* objected to the motion, as very extraordinary, and altogether unprecedented. His lordship stated, that the court-martial was held when a parti-

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cular complexion of politics prevailed in the cabinet; that only four years afterwards, when a different administration came in, the noble lord aimed at by the present motion was, at the desire of that administration, restored to his seat in the privy council, an evident proof that the ministry of that day (the chiefs of whom were now in opposition) thought the noble lord's advice of great importance to the state. He had since been distinguished as a minister worthy of his sovereign's confidence. The crown undoubtedly had a right to bestow the honours of the peerage as it thought proper, and conceiving the motion to be altogether unnecessary, he should conclude with moving to adjourn.

The Earl of *Abingdon* said, the person who was the subject of the motion, had been the greatest criminal this country ever knew. He had not only disobeyed the orders of his commander in chief, when in a military capacity, but he had been infinitely more guilty in his civil situation of late years. He had been the author of all the calamities of the war, and all the distresses which Great Britain now groaned under. It was to his blood-thirstiness, his weakness, his wickedness, and his mismanagement, that the war had been prosecuted at so large a waste of blood and treasure, and with such a miserable repetition of ill success. He, therefore, ought not to be suffered to come into that House, and contaminate the peerage.

The Duke of *Richmond* said, certainly the noble earl had a right to move the question of adjournment upon the motion; but if the ministry suffered a matter of so much importance to be got rid of in that manner, they would act more contemptibly than even he could have thought them capable of. He was astonished at their silence on a motion of that kind, and still more at their acquiescing in the motion of adjournment. Was he the person in question, made the subject of the motion, he should think himself extremely ill used, and complain loudly of such treatment. For God's sake, had not ministers a single word to say in defence of their colleague? Were they so much at variance with each other, that when a matter of this kind came on, they neither dared meet the motion with defiance, nor attempt to palliate the imputed guilt of their brother minister? Would it not be wiser to debate the motion, than pitifully to move an adjournment? He was most heartily ashamed of the conduct of ministers that day.

Viscount *Stormont* said, he knew not that the noble lord in question stood in need of any defence. With regard to the present motion, it clearly trenched upon the prerogative of the crown; it trenched upon a right inherent in the sovereign, which even the noble marquis, who made the motion, had felt himself obliged to confess was indisputable. He knew of no disqualification for the peerage short of legal disability; and therefore, when any other was attempted to be urged within those walls, he should consider it as an unconstitutional attack on the prerogative, and should always be of opinion that a motion for adjournment was the proper way of getting rid of it.

The Marquis of *Carmarthen* said, he had drawn up the motion hastily, and therefore it might possibly be liable to the charge of incorrectness. He begged, that their lordships would recollect, that he had desired their assistance. With regard to the argument of the noble lord in the green ribbon, that nothing short of legal disability ought to excite the alarm of the House, perhaps the noble lord was not aware how far that argument went. It was rather ludicrous to adduce such an instance, but according to the same mode of reasoning, the King's chimney-sweeper might be made a peer, and undoubtedly the right to create such a peer was inherent in the prerogative of the crown; ought such a creation therefore to take place? Undoubtedly, the noble earl had a right to move the question of adjournment, but this he would assure their lordships, ministers should not get rid of his motion that way, for he was determined to make it from day to day, till something satisfactory was done upon it.

The Earl of *Abingdon* declared, since legal disability was all that would do to prevent the House from being tainted with the admission of such a member, if he was sent up there, he would do his business, as he had, in his own house, ample materials to make the ground-work of an impeachment, and which he would certainly produce, if the person in question attempted to come among them. The earl declared, he hoped there were those in the House, who were ready to run to their master, and give him an account of what had passed that day upon the subject. If they gave him a true account, probably the effect would be, a rescue of the House from the contamination they were threatened with.

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The Earl of *Derby* lamented that the noble marquis should be so ill supported, on a point of such serious importance. He declared he thought it a great and serious insult to their lordships, to see a person created a peer, whose disgrace was entered in the orderly-book of every British regiment.

The Duke of *Grafton* spoke in support of the motion.

The Earl of *Shelburne* said, it gave him extreme pain to take any part in the present debate, and the more so, because very early in life, before he was of an age to be a member of either House of Parliament, and before he knew enough of the world, to discover of how very little importance to mankind it was, that so insignificant an individual as he was, made one of the number of society, he had suffered many professional injuries from the person who was the subject of the debate. Smarting with a sense of those injuries at the time, a sort of enmity had taken place between him and the person in question; from the moment, however, that he saw the sentence of the court-martial, and the orders which had been read to the House, and which now made a part of the motion, he called upon God Almighty to witness, that he had neither privately nor publicly, directly nor indirectly, in thought, word, or deed, done that person the smallest injury, or bore hard upon him on any occasion whatever. Indeed, his moderation in that respect had more than once been noticed to him by his friends, and he had experienced opportunities of explaining to those, who put the matter to him, the reasons of his conduct. He hoped therefore, that what he should now say, would not be imputed to the latent seeds of an old hatred of twenty years standing; solemnly protesting, every spark of that animosity was extinguished. He said, however unpopular the opinion might be, he had not the smallest objection to the King's being his own minister. He did not know, but the King's having an opinion of his own, and feeling his interest in the management of the affairs of the realm, might be better for the general weal than his remaing a type of a mere king of Mahrattas. For fear their lordships might not know what a king of Mahrattas was, from not having lately read so much of the history of India, its government, and its customs, as he had done, he would inform their lordships, that a king of the Mahrattas was a mere nominal monarch; he had his pechaw, a cabinet who were efficient, and who, to all intents and purposes, held and directed the reins of government, while they kept the king locked up, and in pretty nearly a state of ideotism. He declared, in every moment of his life, he had ever endeavoured to treat his Majesty with that profound respect due to his person, and with that reverence so infinitely due to his situation. His loyalty had remained the firmest principle in his bosom, and in all situations, and on all occasions, he had studiously kept the duty of a faithful and respectful subject in view. He might, therefore, he hoped, be permitted, without charge of the smallest indecency, to say, that when the prerogative was exercised to its fullest extent, he wished to God to see the parliament free. A high-toned prerogative prince, and a servile corrupt parliament, was the strongest symptom of despotism and tyranny. He could not, therefore, but anxiously wish to see a perfect representation of the people, and when that happy time arrived, he should be grounded in entertaining a reasonable expectation of better prospects. It had been imagined, that the House of Peers had it not in their power to right itself against the extraordinary stretches of prerogative. The supposition was founded in error. An author, whose works he had read some years since, the chief of which was a book upon the peerage, written by lord chancellor West, pretty clearly evinced to his mind, that there were latent powers belonging to the House of Lords, which if called forth by sufficient occasion, and duly and spiritedly exercised, were equal to the correcting of any abuses of the prerogative that might be attempted. A noble earl had termed the present a very extraordinary motion. Good God! were not these very extraordinary times? Who would have owned himself so gloomy in his ideas some years ago, as to have acknowledged, that he even imagined it possible, that a day would have arrived, when that House should have resolved to institute an enquiry into the cause of the surrender of a second army into the hands of the Americans, and that it should have been a matter of doubt and debate in that House, whether they ought or ought not to admit a motion to pass in its original form, because some of the words seemed to carry in them a recognition of the independence of America! No man, the wisest that

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ever existed, would have pretended to have foreseen a possibility of two such events happening in the course of one day? His lordship took notice of its having been said, that lord George Germain was restored to the privy council by the Rockingham administration. He declared he had not been a member of that administration, though he was free to say, it was composed of able and honest men. When he agreed to take a situation soon afterwards, he excepted to the measure alluded to. A noble earl, now no more, with whom he had been in the habits of living on terms of great familiarity, had excepted to the measure likewise, and he perfectly recollected, that when it was pressed upon the noble earl to pursue the person now alluded to in the House of Commons, and to make his expulsion a consequence of his disgrace, the noble earl, with that wisdom and sagacity that ever marked his conduct, refused to do so, and that for the wisest reasons. He remembered, that the noble earl, on being desired by a person of great authority to enforce the weight of government against the noble lord, refused to do so for very good reasons; he was answered in these words: "Well, Sir, I wish you much joy of the company you choose to keep." The reason why the earl refused to aim the vengeance of government against the party in question, was no other than the consideration that the noble lord represented a family borough, and their lordships well knew what family boroughs were. Had the party been expelled the House, the earl wisely argued, how was he to know that he might not be chosen and rechosen again and again, in spite of repeated expulsions? His lordship said, there was an essential difference between the person in question being allowed to sit in the other House, and being suffered to come up there. There was a great distinction surely between the one House and the other, however the other House might entertain a different idea. In its real constitutional point of view, no man thought more highly of the House of Commons than he did; it was then a truly respectable, a truly useful branch of the legislature; but when sunk into corruption; when it became the mere creature of the minister, and affected to be a kind of septennial nobility, without the real dignity, and a lesser aristocracy without the means, the situation, and the real personal interest in the state, it became an object of public contempt, and an instrument of public danger. With regard to the person now designed to be created a peer, he called upon the learned adviser of the crown, and asked, why, when it was first thought of to make that person a secretary of state, those who had held such a strong language of "Kill them, or they'll kill you;" and who had declared, "We had passed the Rubicon," before any other person knew we were seriously at war with America, had not acted in conformity to their high-sounding tone, and made their actions accompany their words? why they had not behaved like men of integrity, and gone to the sovereign, and advised him honestly and wisely, to employ those men only as instruments in the planning, direction, conduct, and execution of an attempt of such infinite importance, as an attempt to recover America, who were the most unexceptionable in every respect, both here and in America, and the most likely to prove successful instruments in the greatest work this nation ever took in hand. In appointing the noble lord to the secretary-of-state-ship, and intrusting him with the management of the war, they in a manner began the war with the grossest insult to America that could possibly have been devised.

The House divided on the question of adjournment.

Contents 61; Proxies 14; Total 75.
Not Contents 26; Proxies 2; Total 28.

Feb. 18. The Marquis of *Carmarthen* rose to make a motion, respecting the creation of lord George Germain a peer of that House. The marquis began with saying, that no gentleman could be more anxious to preserve the prerogative of the crown, than himself; yet, he must entreat their lordships to consider, that the honour and purity of the House, were all that served to convey to the world in general, that idea of weight, importance, and dignity, which they had hitherto held, and which he heartily hoped, their lordships would ever continue to preserve in the eyes of all mankind. From the noble lord who was the object of his motion, he was ready to acknowledge, he had received civilities, while he was himself about the court, in a particular situation, although he had never lived with him on terms of very great intimacy. He should now proceed to state a motion, tending to censure those of his Majesty's

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ministers, who had so far forgot their necessary respect for the dignity of that House, and all consideration of what was due to the military, and to the public opinion, as to advise his Majesty to confer a peerage and a seat in that House, on a person labouring under so severe a stigma, as that contained in the sentence of the court-martial, and the orders issued thereupon, which now stood in full force against the unfortunate nobleman in question. His lordship said, he took the matter up entirely upon the sentence of the court-martial, the notoriety of which, and of the orders that were at this moment inserted in every orderly book of every regiment of the army in Great Britain, warranted him in proceeding to consider, both the one and the other, as authentic. Had we no farther use for the military, that so shameful an instance of relaxation of all discipline, and the abandonment of all example, was to be put in practice, in the face of the whole world? Was not the very opposite the fact, surrounded on all sides by enemies, dangerously powerful and numerous, as they were, did their lordships in their consciences think it politic or expedient, just at this moment, to set so alarming a precedent of the relaxation of all military discipline, to the whole army? Did they imagine our officers would serve better for the remainder of the war, from such a measure? He could not, for his part, help expressing his astonishment at the noble lord's own conduct, in accepting the honours of a peerage, considering the particular circumstances that he stood in, at the moment of his being called up to that dignity.—His lordship said, he would trouble the House no farther just then, but would proceed to make his motion, "That it was highly reprehensible in any person to advise the crown to exercise its indisputable right of creating a peer, in favour of a person, labouring under the heavy censure contained in the following Sentence of a Court-martial and Public Order given out in consequence thereof: 'This court 'upon due consideration of the whole mat-'ter before them, is of opinion, that lord 'George Sackville is guilty of having dis-'obeyed the orders of prince Ferdinand 'of Brunswick, whom he was by his com-'mission and instructions directed to obey 'as commander in chief, according to 'the rules of war: and it is the farther 'opinion of the court, that the said lord 'George Sackville is, and he is hereby ad-'judged unfit to serve his Majesty in any 'military capacity whatever.' Which Sentence his Majesty has been pleased to confirm: 'It is his Majesty's pleasure, 'that the above Sentence be given out in 'public orders, that officers, being con-'vinced that neither high birth, nor great 'employments, can shelter offences of 'such a nature; and that seeing they are 'subject to censures much worse than 'death to a man who has any sense of ho-'nour, they may avoid the fatal conse-'quences arising from disobedience of or-'ders.'"

The Earl of *Abingdon*.—My lords, the noble lord in my eye (Shelburne) who is so fully informed upon every subject, and who never speaks without giving new lights to your lordships, having led me to consider the subject of the original rights of this House, I rise just to state to your lordships, what my sense of this matter is. I cannot help conceiving, that although there is not a right of election, there is and must be a right of exclusion vested in this House, when the admission of any peer happens to be against the sense of your lordships; and my judgment of this arises not only from the idea that this House is possessed of original rights, as independent of the crown as of the people; but from the circumstance of this House being the hereditary counsellors of the crown, against the sense of whom, I must hold, that the crown cannot of right exert itself. It is true that the crown is the fountain of honour, and that the creation of peers is the sole prerogative of the crown; but it is so in this double sense only, that the crown is the fountain of honour, and not of disgrace; and that the creation of peers is the sole prerogative of the crown; because it is neither in the Lords nor the Commons to do so; as therefore no peer can be introduced into this House but by the will of the crown, so of course the creation of peers may be said to be the sole prerogative of the crown; but at the same time, as every prerogative is given for the benefit of those over whom it is to be exercised, so when the exercise of it is against the sense of those (and when I say the sense of those, I mean the majority of this House) for whose benefit it is intended, its operation by the very reason of the thing, must cease and determine. Your lordships perceive that this is matter of speculation only, and I wish it had continued so; but we are now taught that speculation and practice are not always

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the cause and effect of each other: against every thing that has been said, against common sense, against common decency, in the face of all public virtue, and in encouragement of every private vice, we find a man foisted in upon us, and, with the reward of nobility, made one of ourselves. How, my lords, the majority of this House will feel this, I know not; I fear, my lords, as they have long since felt every thing else, that they are ready to sell their birthright for a mess of porridge. For myself only I can speak, and for myself I do assure your lordships, that I consider this admission of lord George Germain to a peerage to be no less an insufferable indignity to this House, than an outrageous insult to the people at large. It is an indignity to this House, because it is connecting us with one, whom every soldier, and every soldier as a man of honour, is forbid to associate with. It is an insult to the people, for what has he done to merit honours superior to his fellow-citizens? I will tell your lordships what he has done; he has undone his country, and insomuch has executed the plan of that accursed, invisible, though efficient cabinet, from whom, as he has received his orders, so has he obtained his reward. For these reasons, I shall heartily support the motion. There is one thing I will just suggest to your lordships' consideration in one word, and without any comment. This matter having been debated by your lordships before, was it proper in a noble peer of the House, the Keeper of the Great Seal, to affix that seal to the patent before the sense of your lordships was known?

Viscount *Sackville* rose next, and began with apologising for his venturing to trouble their lordships, after having been a few days only a member of that House; but as the subject under discussion so very particularly concerned him, he trusted their lordships would not consider it as an act of impropriety in him to wish to be heard early in the debate, and would favour him so far, as to listen to the opinion he was about to deliver upon the motion, and the grounds on which it had been opened to the House, with patience and with candour. With regard to the honour which his Majesty had been pleased to confer on him, as a mark of his royal grace, and in approbation of his services, he knew not by whose advice it was that he had been so far favoured, neither did he know that the advice of any minister whatever was necessary. To bestow honours was the peculiar, the indisputable, the admitted prerogative of the crown, where the persons on whom those honours were bestowed, were competent to receive them. He held himself to be every way competent to receive the honours he had been so fortunate as to experience at the hands of his royal master, and he was ready to rest the whole of the question on his being able to prove in any manner, in any place, and on any occasion whatever, that he was a person so competent. The motion stated the sentence of the court martial, as the ground of objection to his being made a peer; he was ready to meet the argument on that point, and to contend, that the sentence amounted to no disqualification whatever. The court martial which pronounced that sentence, had sat two and twenty years ago, and he conceived those of their lordships and of the public in general, who were at all acquainted with the peculiarly hard and unfair circumstances that had attended his being tried at all, had long been accustomed to see the whole of that business in its true point of view. What had been the temper of those times? Faction and clamour predominated; they both run against him, and he had been made the victim of the most unexampled persecution, that ever a British officer had been pursued with. In the first place, he had been condemned unheard, and punished before trial. Stripped of all his military honours and emoluments, upon mere rumour, upon the malicious suggestions of his enemies, without their having been called upon to exhibit the smallest proof of their loose assertion and acrimonious invective, he stood pointed out to the world as a man easy to be run down by clamour, and to fall a sacrifice to faction. Thus cruelly circumstanced, thus made to suffer in a manner equally unparalleled and unjust, what had been his conduct? Had he fled like a guilty man, and hid himself from the world? Many of their lordships well knew that he had acted in a manner directly opposite. He had challenged his accusers to come forward, he had provoked inquiry, he had insisted upon a trial. Let their lordships in general recollect, that the court-martial which sat upon him, sat under very peculiar circumstances, and that amidst all the faction and clamour that prevailed against him, and which at the time had been most industriously excited and encouraged, he had stood firm in his resolution,

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and determining to clear his character at any hazard, he had, in spite of all the arts that were used to persuade him to the contrary, insisted on his conduct being inquired into, and determined to abide the consequences. What could their lordships imagine, induced him to persevere in this step with so much firmness, but a consciousness of his innocence? It was that, and that alone, which bore him up under all the cruel difficulties he had to encounter, and that had made him submit patiently to the consequence. During the progress of his endeavouring to obtain a trial, he well knew, that had the sentence been more severe, had it been capital, it would have been executed. So much he was given to understand by those, who took pains to persuade him not to persist in demanding a trial; but that did not deter him from his purpose, and he unremittingly persevered, with that object before him, had the trial turned out as he knew his enemies wished it would have done. It did not become him to say a word of the court martial or of its proceedings, he had submitted to his sentence, and having so done, he thought he had fully acquitted himself to his country at the time. At present, neither the charge, nor the defence, nor the evidence, nor any part of that proceeding, was before their lordships, and yet they were called upon to put the sentence in force a second time against him. Not that he meant by this to express any, the least objection to the whole of the proceedings being examined; happy should he have been indeed, if the whole of the case had been submitted to their lordships' investigation. He would gladly now submit his honour and his life to their judgment: nay, to the noble marquis's own decision as a man of honour. He was conscious in his own mind that the matter would not, in that case, have been taken up in the manner it now was, though he had no doubt the noble marquis meant nothing but what was consistent with his own honour, and his sense of what was due to the honour of the House. He certainly had acted in a way that was manly and fair, to take it up while he was present, and not behind his back. With regard to the court-martial and the sentence, let their lordships recollect what had passed since that time with respect to him. No longer after both happened, than four years, namely, in the year 1765, he had been called to the privy council, and brought into office. Previous to his accepting the offers that were then made him, of taking a part in the administration of that day, it had been agreed, that he should be first called to the council-board, which he had ever considered as a virtual repeal of the sentence of the court-martial. He had continued in office, and of the privy council, for ten years, without hearing a word of the sentence of the court-martial, or its being thought by any means a matter of disqualification. Several years ago his Majesty had honoured him so far as to appoint him to the high office of Secretary of State, an office which he had filled ever since without hearing a word of the sentence of the court-martial. Let their lordships then consider of the hardship of that sentence being urged against him, as a disqualification of him for a seat in that House, which had been deemed no disqualification whatever of his being a privy counsellor and a secretary of state, two situations, surely of more dignity and more importance, considering the form of the British constitution, than even a peerage, high and dignified as the honour undoubtedly was. Nor did the matter of hardship merely consist in bringing the sentence forward now, but the making it a ground of censure. Would their lordships sanctify, confirm, and aggravate a sentence pronounced by a court-military, without having the whole of the case before them? That would be to make the military law, sufficiently severe as it confessedly was at present, ten times more severe, by annexing to its judgment the censure of a civil court of judicature. Another part of the motion he could not but object to, and must take the liberty of saying, that it did not appear to him to be in the smallest degree consonant to justice. What he meant was, the annexing to the sentence of the court-martial that comment which the executive power had taken upon itself to superadd. To the sentence of the court-martial he was bound by the laws military to submit; and to that sentence he had submitted; but would any man of honour say, that he was answerable for the comment of the executive branch of the government? Undoubtedly he was not. The court-martial alone was competent to pronounce upon what they thought his conduct had been; he was tried by them, he was not tried by the executive government. From the time he was called to the privy council to the present moment, and especially since he had accepted of that high office, he had endea-

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voured to serve his king and country to the best of his judgment. He would not pretend to cope with any man in respect to abilities; there were many, he was persuaded, more able than himself, but there were points on which he would not yield to all that had before been in the service of the crown. He defied any man to prove, that the public ever had a servant who had shewed more unremitting assiduity, more close attention to the duties of his situation, or more zeal for promoting the interests of his country, than he had done, from the moment of his accepting the high office he had lately filled, till his resignation of it. With regard to the court-martial, it was now impossible for him to procure a revision of the proceeding; it happened two and twenty years since, and every member who sat upon it, excepting two very respectable characters, (lord Robert Manners and lord Robert Bertie) had been dead and buried long ago; any attempt to investigate the motives which actuated the several members of the court was now impracticable, but after what he had said, he flattered himself their lordships in general would agree with him, that he was a person competent to receive the honours his Majesty had been graciously pleased to bestow upon him, that he was not responsible for the orders of the executive government, which were in the motion annexed to the sentence of the court-martial, and that it was neither expedient, necessary, nor becoming, for that House to fly in the face of the indisputable and admitted prerogative of the crown, merely because the crown thought proper to bestow a reward on an old servant.

Lord *Southampton* said, unwilling as he was to press too closely, on what every one of their lordships must know to be a sore place, exclusive of the peculiar delicacy of his own situation, in respect to the subject under discussion, he meant not to have said a word in the debate; but there had fallen from the noble viscount an expression, which he could not suffer to pass unanswered. The noble viscount had termed the court-martial, a factious court-martial.

Viscount *Sackville* assured the noble lord that he was entirely mistaken. He never had used such an expression. He had carefully avoided saying a syllable tending to arraign the court-martial. What he said was this: that he had been punished before he was tried; and that faction and clamour prevailed at the time, and both united their efforts to run him down.

Lord *Southampton* rejoined, he had misapprehended the noble viscount, and conceiving that he had called the court-martial factious, rose to assert, that there was no faction in the whole proceeding: Certain he was, that in his conduct, as a witness, he had not been actuated by any factious view whatever.

Viscount *Sackville* said, undoubtedly the noble lord had not; nor did he ever mean to insinuate any such thing.

The Earl of *Derby* declared he would not have troubled their lordships that day, had not the noble viscount who was the object of what he had said been now present; and had he not held himself bound in honour, to convince the noble lord, that he never urged an argument against any man in his absence which he dared not venture to repeat to his face. He rose, therefore, to say, that the motion met with his full concurrence. The noble viscount had complained of the court-martial's having been held 22 years ago, and had said that it was impracticable to obtain an investigation of the proceedings at this time, because all the members of the court, excepting two, were dead and buried. Good God! if the sentence was an unjust one, if the proceedings were irregular, if either the court or the witnesses were actuated by faction, by popular clamour, or by party rage, why had not the noble lord, in all that long time, done himself so much justice, as to obtain a revision of the proceedings, and a reversal of the sentence? He never had heard that the noble viscount had ever attempted any one of these matters, though his honour, his interest, and his character, were so deeply concerned in his doing so? The very contrary having been the case, the noble lord having submitted to the sentence, the rectitude of the proceedings remaining unchallenged, and the whole of the business continuing undisturbed to this hour, who was to conceive otherwise, than that the trial had been fair, and the sentence merited? Another thing which had fallen from the noble lord, struck him with astonishment, and that was his impeachment of the orders annexed to the sentence. Did the noble lord know, were their lordships to learn, that those orders were penned by the direction and command of his late majesty, George the 2nd? a wise and magnanimous prince, dear to his country, dear to the recollection of every man who consi-

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dered the glorious situation of Great Britain in the last reign, and compared it with the degraded and calamitous condition to which public affairs had been precipitated in the present reign. Let the House for a moment turn its eyes to the brilliant and successful war we were engaged in, when that prince filled the British throne; and then let him look at the sort of war we are now engaged in, and the miserable state to which it has reduced us! However the noble lord, therefore, might wish to stain the character of the last sovereign, it would be looked up to, with reverence and respect, by every man who possessed the smallest share of gratitude, or public feeling. Having urged this very strenuously, his lordship adverted to the consequences of bestowing the highest honours of the country on some men, without due consideration of the probable consequences. Ministers might have the power, but they ought to be cautious in using it. Suppose, for instance, they meant to carry their ideas of honouring the noble lord, who had been a main instrument in conducting that war, which had nearly ruined his country, still farther, and were to assign him a blue ribbon! Let them recollect there was one person, who now wore a blue ribbon, who had served this country gallantly and well, and who must, in that case, immediately tear off his badge of honour, and send it back to the British court, with the best apology he could. The person he alluded to, was prince Ferdinand, who certainly could not continue to consider that ribbon as any real honour, after he heard that it was bestowed on a person, whom he had thought it necessary to charge with disobedience of orders, and to bring to a public trial upon that charge. He threw out this, merely to warn ministers in time, how they proceeded, and to let them see what, in all probability, would be the consequences were they to adopt the measure he had alluded to.

The Marquis of *Carmarthen* declared, he should be to the full as much concerned as the noble viscount, to see the sword superior to the law, and military rule prevail over the civil jurisdiction; but he could not admit, that the argument at all applied to his motion. He had expressly stated, that he did not enter into any discussion of the grounds of the sentence, or enquire whether it was just or unjust; he merely took it up as it stood; and contended, that as long as that sentence remained in full force, which he considered it now to do, the unfortunate nobleman who laboured under the ignominy it conveyed to the world, ought not to have been seated a member of that House; and therefore, although he admitted the right of the crown, to the fullest extent of its claimed prerogative, he could not but think those ministers highly censurable, who advised his Majesty to confer the honour in question. His lordship also used additional arguments, by way of endeavouring to shew, that the orders annexed were the natural and necessary comment upon it, and must be taken as a part of the whole.

Lord *Walsingham* rose, and made a very able defence of lord Sackville. His lordship represented the present motion as an unprecedented attempt to ground a severe censure on his noble friend, without the smallest information of the fact before them. To adopt the present motion, would be a conduct altogether novel, extraordinary, violently repugnant to every principle of justice, and directly contrary to all former modes of proceeding. The custom of that House had invariably been to enquire first, to investigate fairly and deliberately, to state the charge, to hear the defence, and to ground their own proceedings on the result of having the whole case fully and completely before them. But in the present case they were not only called upon to condemn his noble friend unheard, but to adopt the sentence of a court military, and to ground a sentence of their own, who were the highest court of judicature in the kingdom, upon that sentence, without any kind of examination whatever. Let every noble lord who revered the excellent constitution of his country, only consider to what extent of violation of that constitution the present motion pressed;—no less than the making the sword superior to the law, and setting military jurisdiction above civil judicature. Could any noble lord who heard him, wish to see the day, when military power should be predominant in this country to such an extravagant point of pre-eminence? Even the Mutiny Act, under which courts-martial were held, was but of modern origin. Let them recollect the jealousies when that statute was first proposed! Let them recollect, that even to this day it was an annual act! Let them attend to what that able, wise, and learned writer, judge Blackstone, had said upon the subject! "When the nation is engaged in a foreign war, more veteran troops and more regu-

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lar discipline may perhaps be necessary, than can be expected from a mere militia. And therefore at such times particular provisions have been usually made for the raising of armies, and the due regulation and discipline of the soldiery; which are to be looked upon only as temporary excrescences, bred out of the distemper of the state, and not as any part of the permanent and perpetual laws of the kingdom. For martial law, which is built upon no settled principles, but is entirely arbitrary in its decisions, is, as sir Matthew Hale observes, in truth and reality no law, but something indulged, rather than allowed as a law."

His lordship then declared, that the best code of martial law was liable to objection, and that our military laws in many instances called for revision and amendment. He argued on the danger of blindly adopting the proceedings of a jurisdiction circumscribed by military rules, and which differed so essentially from the proceedings of the civil judicature. The comment of the executive branch of government ought not to weigh one moment against his noble friend, either with their lordships or the public. Was the loose censure of a Judge Advocate to be considered, as "a censure worse than death" to a man of honour?

After dwelling for some time on this point, his lordship instanced the case of sir Robert Walpole, to shew in what a different manner that House had conducted itself upon that occasion. After arguing that point with considerable strength, and applying it to the present, his lordship proceeded to state the merits of his noble friend, since he had been in the high office he had lately filled. His own personal connection with him, his lordship said, and the long time he had experienced the happiness of living with him on terms of the closest intimacy and friendship, fully enabled him to be a competent informant of their lordships, of the zeal, the ability, and the assiduity of his noble friend. He reminded the House, that the noble viscount accepted of his situation in a moment of great public danger and difficulty; that at that period there could scarcely be found another man of distinguished talents to undertake it; that his noble friend, whose abilities he would venture to say were equal to those of most men, thought the hour of distress, the hour in which it best became him to exert himself in the service of his country, he cheerfully received his sovereign's commands, and entered upon the duties of his office with alacrity and with attention. He desired their lordships to recollect, that his lordship, previous to his undertaking his place of Secretary for the American department, had an affluent fortune, lived a life of ease and happiness, surrounded by a circle of most respectable friends, and in full possession of all the comforts of an honourable retirement. At the moment he accepted of his office, there was scarcely a foot of ground in America, from Halifax to Florida, that we could call our own. His noble friend, not dispirited at the melancholy prospect before him, pursued such measures as had recovered a great part of the American continent, and were most likely to have procured a recovery of the whole, had not the inevitable chance of war intervened, and prevented the success of plans which were formed with wisdom, and promised a better and a more fortunate issue than for the reasons he had stated, had attended them. His lordship remained the indefatigable servant of the public, till the moment arrived, when the crown thought his services could be dispensed with. If therefore those ministers, with whom his noble friend had acted, had suffered him to retire without receiving some mark of the royal favour, if they had neglected to advise his Majesty to honour him with a distinguished proof of his having acquitted himself in his arduous and difficult situation in a manner satisfactory to the crown, he should for his part have thought them the most shabby set of ministers that ever governed a country, and have considered them as fit objects for public contempt.

The Duke of *Richmond* said the question consisted of two parts; first, how far the prerogative possessed an unrestrained power of bestowing peerages? And if it did, secondly, whether in the present instance, the exercise of that power was proper or expedient? As to the first, from Edward 3, to Henry 7, in every new creation, it was expressly stated in the patent to be done with the consent of parliament. After the reign of Henry 7, the crown had acted with a higher hand, and of late it had been held that the right of creating peerages was an indisputable part of the prerogative. A peer, when to be tried for his life, must be tried by his peers collectively; would therefore any man say, that their lordships were not

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concerned in the appointment of persons, who, by their being created peers, were liable to become their lordships' judges? As to the impropriety, his grace urged it strongly against the creation of the noble lord, while the sentence of the court martial remained unreversed. He said, he was extremely sorry the noble lord had gone at all into the nature of the court-martial; he had been in hopes the debate would have taken the sentence generally, and not have meddled with the proceedings on the trial. There was one point, his grace said, which had, from the day of his trial to the present hour, continued unexplained, which was extremely material, and on which men's judgments had rested a great deal. This, his grace stated to be, the point of time between prince Ferdinand's having sent an order to the noble lord to advance with the cavalry and its arrival. The question had been put to many persons, and nobody was able to answer it. Had he been examined as a witness, he could have removed the difficulty; he had his watch in his hand the whole time, and he particularly knew, that the time was one hour and an half. The orders had been said to be contradictory, one being for the cavalry to advance, the other for the British cavalry to advance; the fact, however, his grace said, was, the noble viscount obeyed neither the one order or the other. There was a full hour and an half for the noble viscount to bring up the cavalry in, from the distance of a mile and a quarter, but the engagement was over before the cavalry appeared. After stating this, and dwelling on it for some time, his grace said, he had another objection to the ministers having advised his Majesty to create the noble lord a peer, and that was, the time. He thought it exceedingly impolitic to do it just at present; that it would not only have a bad effect on the army in general, but by shewing the Americans that the minister who had been in a great degree instrumental in carrying on a most cruel and severe war against them, was rewarded with a peerage for his conduct. At the same time that he said this, he declared, he did not think the noble lord near so guilty, in respect to the American war, as the minister in the other House. The noble lord, he acknowledged, had always held one uniform language, and had acted up to it. That sort of conduct was respectable, because it was manly and consistent.—He also urged the enquiry into the capture of York Town, the whole criminality of which might be brought home to the noble lord. He charged the House and the noble lord's colleagues, with having skulked the question when last under consideration, with being afraid to utter a syllable in his defence, and with pitifully getting rid of the question by a motion of adjournment. The officers who had been at Minden, and, who like him, thought the sentence perfectly proper, must necessarily vote for the question. If the noble lord who had rose early in the day to defend the court-martial, did not do so, he would condemn his own evidence on the trial, and reprobate it in the face of the world.

Lord *Southampton* replied, that his whole conduct as a witness on the court-martial, and since that time, was before the public; and he should leave his conduct that day, whatever it might be, to their decision, without at all considering whether they would put that construction on it, which his grace had declared they would do.

Viscount *Stormont* denied that he had sat silent, as the noble duke had averred. The word 'skulked,' was by no means a parliamentary expression; declined was the word, which out of respect to their lordships, the noble duke ought to have used. As to himself, he had neither skulked nor declined meeting the question. He had met it, and had declared it not more extraordinary in itself, than unworthy of any debate whatever. He had studied the constitution as settled at the Revolution, and there he had found it established as an inherent and indisputable right of the royal prerogative to confer the honour of a peerage on any person not legally disqualified. A military disqualification did not extend to civil employments and civil honours, even in countries where military ideas prevailed in the most extravagant degree. He then stated sir Robert Walpole's impeachment, and commitment to the Tower, and his subsequent employments in the highest offices, and his being raised to a peerage, to shew that what had even happened in the other House, was no bar to a seat in that House. After a variety of very clear and able argument, and many elegant compliments to the new viscount, he declared as the question of adjournment moved when the subject was last in discussion, had not been perfectly understood, he would now in the most unequi-

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vocal and obvious manner, assure their lordships, that he would give the motion his hearty and direct negative.

The Earl of *Shelburne* said, as the deed was done, and the noble lord sworn in, he should have advised dropping the present motion, had it not been for doctrines similar to those now avowed by the noble lord who spoke last, that he had before heard, and which he meant on this occasion to controvert. His lordship, after this exordium, made a long and entertaining speech, in which he opposed a great deal of knowledge of the constitution, of the ancient laws, of the principles on which the fundamental rights of that House rested, and of the different ideas of the extent of the prerogative which had prevailed at different times, to the arguments of lord Stormont. His lordship attacked lord Sackville for having arraigned the court-martial, and said, in justice to his two noble deceased friends, lord Granby and lord Chatham, who had conducted and planned it, he would defend the court-martial, and justify the sentence. His lordship, after having charged lord Sackville with having had the whole strength of the country put into his hands, to carry on the American war, and failed most miserably, nevertheless gave him credit for having held a more manly stile of language than any other minister, and with having uniformly acted with the nicest feelings, the strictest honour, the most unimpeachable integrity, and the most distinguished abilities. With regard to the person who had been appointed the noble viscount's successor, (Mr. Welbore Ellis) all he would say of him was, that he at least could not be charged with disobedience of orders, from the first day of his getting admission into the ministerial phalanx to the present moment.

The *Lord Chancellor* left the woolsack, and made one of the most powerful speeches in reply, that perhaps ever fell, on any occasion, from the mouth of any member of either House. His lordship shewed the disorderly state of the whole proceeding that day, the little ground there was for their lordships, without being guilty of the grossest absurdity and injustice, to adopt the motion then urged upon them. He most clearly drew the line between the sentence and the orders, shewing that the latter, by its comment, annexed ideas of a much severer nature than the sentence itself affected to suggest; his lordship declared, that let who would have advised his late majesty to issue those orders, he scrupled not to say, that minister advised the crown to act most unjustly, and to publish a stigma on the noble lord, infinitely worse than could be collected either from the charge or the sentence. The charge, his lordship shewed, went a great way beyond the sentence. The charge contained accusations of a capital nature—the court acquitted the noble lord of those heavy accusations, and confined the sentence most industriously to the description of a criminality of a much lighter nature, namely, disobedience of orders. His lordship explained the various causes that act of criminality might proceed from, and shewed, in some cases, it might originate from a most laudable disobedience of orders; in others from mere inadvertency, from incompetency of judgment, or from ignorance in the military profession, neither of which merited any thing like the ignominy cast upon the noble lord by the annexed orders. His lordship said, if he had examined the English language with the most studious attention, in order to collect the most handsome epithets to dress up the praise of the noble viscount, he could not have done it so well as by adopting the phrases, used, for that very purpose, by the last noble speaker, who had paid him a warm and eloquent eulogium on his feeling, his abilities, his manliness of language, his integrity, and his whole civil conduct as a minister. His lordship concluded, with earnestly beseeching the House to reject the present motion, and not to act in a manner which a collection of Bourbon princes would disdain to stoop to, or which even any set of the shabbiest men that ever entered the lower door of the House, would think irreparably disgraceful to them.

The question was at length put. Contents 27; Proxies 1;—Total 28. Not Contents 81; Proxies 12;—Total 93. Majority against the motion 65.

Protest against the Advancement of Lord George Sackville to the Peerage.] The following Protest was entered:

"Dissentient,

"Because we cannot look upon the raising to the peerage a person so circumstanced in any other light than as a measure fatal to the interests as well as the glory of the crown, and to the dignity of this House; insulting to the memory of the late sovereign, and likewise to every

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surviving branch of the illustrious House of Brunswick, repugnant to every principle of military discipline, and directly contrary to the maintenance of that honour, which has for ages been the glorious characteristic of the British nation, and which, as far as can depend on us, we find ourselves called upon, not more by duty than inclination, to transmit pure and unsullied to posterity.——*(Signed)* Osborne, Rutland, Pembroke, Craven, Chatham, Derby, Egremont, Devonshire, Abingdon."

Petition from Samuel Hoheb, a Jew, complaining of Hardships and Losses sustained by the Capture of St. Eustatius.] Feb. 4. Mr. *Burke* said that he held in his hand a Petition from Mr. Hoheb, the Jew, whose misfortunes he had described in a former debate; this was the Jew, whose coat was ripped; and from the lining of which, the small sum of money was taken, which he had endeavoured to secrete, when he and the other people of his nation were obliged to quit St. Eustatius, by order of sir George Rodney and general Vaughan.—The petition was therefore brought up and read. It stated that he was of the Hebrew nation, a native of Amsterdam; and that he had been a resident of St. Eustatius for 25 years; that when that island had submitted to his Majesty's government, he and all the others of his nation had been forced to quit the island, though no crime whatever had been proved against them; nay, though not so much as a charge of a crime had been made, unless it was, that after he had received orders to depart, it had been discovered that he had sewed up a few shillings of his own money, in the lining of his coat; that afterwards he had been permitted to return to St. Eustatius, but it was only to see the whole of his stock in trade sold for one-third of its value, and appropriated to the use of his Britannic Majesty; that he had got out of all his property one small bag of money, which was in his bureau, when he was banished from the island; and afterwards he obtained leave to come over to England, where he could expect redress only from that House: because if he should be referred for his remedy to the courts of law, it would be totally out of his power to avail himself of that remedy; and, stripped of his whole fortune, to contend with sir George Rodney and general Vaughan, who by the very means that had put it out of his power to fee lawyers, had secured to themselves the means of withholding from him that property which he had been his whole life in acquiring. He therefore prayed for such relief as the House in their wisdom should think proper to grant him.

The *Secretary at War* wished to know what was the specific object the hon. member had in view? If he was desirous to move for a grant of public money for the petitioner, he would recollect to what consequences such a measure might lead; for if it should once go forth into the world, that all those who might have causes of complaint against officers, should obtain pecuniary compensation from that House, there would be no end of applications.

Mr. *Burke* said he was desirous only that the petition should go to a committee, in order to determine whether the allegations it contained were founded in truth, or not: if it should be discovered that they were true, then undoubtedly he would wish to have some compensation for the unfortunate man. The right hon. gentleman's objection to the present mode of application was truly curious. If, said he, you were to redress all those who have cause of complaint against our officers, there would be no end to applications of this nature: or in other words, so many are the flagrant acts of oppression committed by our officers, that we should not find time to attend to all the applications for redress; a fine compliment to our commanders truly! How different was the conduct of the French commanders. The marquis de Bouille by his spirit and activity had wrested from us many of our possessions; but he treated the conquered with tenderness and humanity: the fortune of war might wrest victory from us, without disgracing us; or robbing us of our virtue, which was beyond the reach of fortune: but our commanders had robbed us of that which fortune could not have taken from us, they had robbed us of character; they had committed acts which had robbed the nation of that high name which it was accustomed to bear in Europe, for its liberality and justice; in arms the marquis de Bouille had already stripped us of some of our islands; it was to be feared that by his justice, his moderation, and his clemency, he would strip us of the few that remained: it was no disgrace to this country, that St. Eustatius, with a garrison of 700 men, should have been surprised by 300: such things had often

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happened in war, and would undoubtedly happen again; but the honour and reputation of a country were not affected by such an event: at St. Eustatius the commander might have been negligent, and ought perhaps to be punished for his negligence; but his negligence did not dishonour the nation; it was when private property was ransacked, when innocent people were stripped of all they were worth, and banished from the island, that such acts of barbarity would remain stains upon the national honour, if the nation did not, by some public declaration, express its abhorrence of them; what a disgraceful contrast did the capture and recapture of St. Eustatius hold forth to the world! Two British commanders plunder every unfortunate inhabitant of the island. The marquis de Bouille restores, as far as he can, to every man his property. The British officers strip the Dutch governor, and plunder even his lady, breaking open her cabinet, and taking from her every thing valuable found in it; and at the same time endeavour to justify or palliate the act, by blasting her character, saying that she was an usurer; the French commander, on the other hand, restored, even to the negligent English governor, all the property he claimed as his own; and did not insist on any other voucher than his bare word. Here the character of England, he said, was at stake; and he implored gentlemen to have pity on their country, though they should have none on the poor Jew. If in the sitting of the committee, it should be discovered that the allegations in the petition were true, ministers might make compensation to Mr. Hoheb, without giving him any of the public money; they might give him a slice of the loan; for it had been often said, that the profits made on a loan, were not from the public money, or they might set him *en croupe* of some fat contractor: these were means of redressing the grievances of which he complained, without any application to the public treasury.—The hon. gentleman continued for a considerable time in a vein of wit and humour; speaking of the fast, and the unfortunate Jew, who on his way from Jerusalem to Jericho, fell into the hands of robbers; he recommended the example of the good Samaritan; and thought that to follow it, would be the best way to observe the fast; though the right hon. member seemed to be of opinion, that if the House were to relieve all the unfortunate who should fall into the hands of robbers in power, the nation would soon be exhausted. He was ashamed that the public treasury should have been contaminated with the plunder of St. Eustatius; or that any part of it should have been confiscated for the King's use: the Jews would not have done so; they would have nothing to do with the thirty pieces of money brought to their Sanhedrim by Judas Iscariot. He concluded by moving that the petition be referred to a committee.

The *Secretary at War* said, that whenever people had a mind to be charitable they should take care to make free only with their own money: but when they were going to vote away the money of their constituents, they should be careful upon what grounds they did it; for in that case there was neither charity nor generosity; because the money to be granted by gentlemen was not their own. This was the only reason he had for rising on the present occasion, but he had not a wish to oppose the motion for sending the petition to a committee.

Mr. *Byng* suggested, that as Mr. Hoheb was poor, the House might, if it was found that he should have redress in law, order the Attorney and Solicitor-General to carry on his suit for him gratis.

Lord *Mahon* thought that the petitioner had been so ill-treated, that the Attorney General should be ordered to prosecute, at the King's expence, the plunderers who had so shamefully robbed a respectable merchant, and put it out of his power of doing himself justice.

The motion then passed.

Standing Order relative to withdrawing Election Petitions.] Feb. 11. Mr. *Fox* made a complaint to the House of, what he called, a very serious nature. A petition had been presented by one John Saunders, against the return of the present members for the borough of Hindon: that Mr. Saunders, it seemed, had pledged himself to the electors not to withdraw his petition, but let it go to a committee; and the electors who wished to have it tried by a committee had given him (Mr. Fox) to understand that the consequence would have been, that the seat of at least one of the sitting members would undoubtedly have been vacated. However, the electors had learned that this same Mr. Saunders had at length agreed to withdraw his petition, and they had applied to him to oppose any motion for the purpose in the

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House: he had promised them he would; and as he meant to perform his promise, so he was greatly surprised to find, on coming into the House at about a quarter after four, that the motion which he had promised to oppose, had been already made, and the desired leave given to withdraw the petition, the sitting members having expressed (very willingly, no doubt) their consent on the occasion. The whole affair looked like a collusion; and he was of opinion that the House ought to come to a resolution, that no petition complaining of an undue election should be withdrawn, unless a sufficient reason should be assigned to the House for withdrawing it, and unless one day's notice, at least, should be given of the intention of moving for leave to withdraw it.

The *Speaker* said, the motion for withdrawing the petition had been given to him, as soon as he had taken the chair, at half past two; but that he had kept it back, till it was past three o'clock, and until he thought there was no more business to come before the House.

Feb. 18. Mr. *Montagu* informed the House, that he had turned his attention to the late shameful practice of presenting petitions complaining of undue elections, and afterwards without the least notice withdrawing them: as much injury might arise from a continuance of such practice, he should move "That whenever a motion is made for leave to withdraw a petition, complaining of an undue election or return of a member to serve in parliament, the consideration and debate thereof shall not be entered upon immediately, but the same shall be adjourned till such further day as the House shall think fit to appoint; provided, that three days at least shall intervene between the day on which such motion is made, and the said further day so to be appointed."

The motion was agreed to, and made a standing order of the House.

Cricklade Election.] Sir *Harbord Harbord*, on the order of the day being read for taking into consideration the report on the Cricklade election, said, he looked upon it as his indispensable duty, as chairman of the committee that tried that election, to inform the House, that there appeared most flagrant acts of bribery and corruption at the said election: that such abuses had been committed, as called loudly for the interference of parliament to prevent the like in future; he therefore moved, that the report of the committee be then read, which was, 1. "That it appeared to the committee, that there was the most notorious bribery and corruption at the last election of burgesses to serve in parliament for the borough of Cricklade, in the county of Wilts. 2. That the said bribery and corruption require the most serious consideration of parliament." The Resolutions of the committee being agreed to by the House, sir Harbord said, he should move for leave to bring in a Bill to prevent bribery and corruption at any ensuing election for the borough of Cricklade; which being granted, he next moved, that no writ be issued for the borough of Cricklade before that day two months; the reason for not issuing a writ, he said, was to give sufficient time to enquire into, and adopt the proper measures for preventing any like abuses. That the electors of that borough were corrupt beyond most others, was to be seen, as out of 240 voters, which the borough consisted of, 83 had already been convicted of bribery, and there were now actions laid against 43 others on the same head.

Lord *Althorpe* said, he could not, as one of the members of the committee on that election, sit without giving his assent to the motion of his hon. friend; and to declare to the House, that he never knew such flagrant abuses, as appeared to have been transacted in that election.

The motion was agreed to.

Debate in the Commons on General Conway's Motion for putting an end to the American War.] Feb. 22. General *Conway* rose to make the motion of which he had given notice. He began with stating, that the words which had fallen from him some time ago, had been the means of inducing gentlemen to request him to move the question, which they all considered to be essentially necessary in the present moment, when they saw, notwithstanding all the assurances which the nation had received, that measures were apparently taking for the further prosecution of the American war. At this day it would be surely idle and impertinent in him to try to interest the passions of the House, by a description of this unhappy and miserable struggle. Its progress had been marked in the best blood of the empire. It was to be traced by havoc and desolation; by the ravaging of towns and

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the murder of families; by outrages in every corner of America, and by ruin at home. It came home to the feelings of every individual in the House, and he doubted not but they had so much of it, as to wish sincerely for that thing, which could alone put a stop to the farther calamities, called peace. In the present moment, when there were certain indications of a design to continue that war; when a new general was appointed, and when, as he had been credibly informed, there were preparations making for the next active, offensive campaign; in this moment he thought it necessary to ask of the new secretary, what was the design of government, not with regard to particular operations, but to the general system? We were at present entering, as it were, into a new æra; we had got a new Secretary of State, who, though not a young man, was nevertheless a young minister: if he was not young in body, he was still possessed of youthful vigour of mind; and therefore he wished to know what were the principles, what the sentiments of this new minister respecting the American war? He trembled, however, from the complexion of the right hon. gentleman's former political conduct, lest he should be another phœnix, sprung from the ashes of his predecessor; and from him the American war should be renewed in all its former vigour. Then, indeed, the state bark might be said to be in the most imminent danger; then he might cry out,

O, Navis referent in mare te novi
Fluctus—

Were we with a new conductor to have a new plan, or were we to go on in the same manner as we had begun and continued so long, in the obstinate rejection of all advice which we could derive either from experience or disaster? The desire of our gracious and well-inclined sovereign must be for peace. He had expressed it in his speech from the throne; and it would therefore, in the present moment, become that House to approach the throne with an humble, earnest, and dutiful solicitation that he would be graciously pleased to follow the benevolent wishes which he had expressed, to put an end to that calamitous war with our fellow brethren in America. He desired to put a question or two to his Majesty's ministers, which he hoped they would have no objection to answer. He was given to understand, and he had it from good authority, that there were now, or had been lately, persons very near at hand, disposed and authorised to treat of peace with America. It was a question which he desired them to answer openly and seriously. He was pretty well informed, both from the correspondence that he had himself, and from the enquiries that he had made, that there was a disposition at this time in America to treat of peace; and that it was not unknown to ministers that persons, such as he had hinted, properly instructed and authorized, were now, or lately had been, not far distant. He desired to know another thing, whether they had lent an ear to those proposals, and had treated them as they deserved. The right hon. general made some very strong and pressing observations on the urgent necessity of bringing about this desirable end; and he wished exceedingly to know, what this new and young minister was to do in this situation into which he was introduced. We paid for 73,000 men, now said to be employed in America. This force was only upon paper, though we paid for them: in fact, by the last returns it appeared, that the force under sir Henry Clinton was 9,300, and that captured in Virginia only 5,400; so that, in reality, every soldier, actually employed in America, cost us 100*l.* a year. Having exhorted the House to consider the necessity of the moment, and to bend all their anxiety to the accomplishment of peace; for the man who, in the present distress, did not wish for peace in preference to war, not only had not a heart, but he had not a soul in his bosom, he concluded with moving, "That an humble Address be presented to his Majesty, earnestly imploring his Majesty, that, taking into his royal consideration the many and great calamities which have attended the present unfortunate war, and the heavy burthens thereby brought on his loyal and affectionate people, he will be pleased graciously to listen to the humble prayer and advice of his faithful Commons, that the war on the continent of North America may no longer be pursued for the impracticable purpose of reducing the inhabitants of that country to obedience by force; and expressing their hope, that the earnest desire and diligent exertion to restore the public tranquillity, of which we have received his Majesty's gracious assurances, may, by a happy reconciliation with the revolted colonies, be forwarded and made effectual, to which great end his Majesty's faithful Commons will be

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ready most cheerfully to give their utmost assistance."

Lord *John Cavendish* seconded the motion, and, in a warm appeal to the honest and upright feelings of gentlemen, conjured them to take up this matter with seriousness now, which, sooner or later, they must take up. The present motion was perfectly regular and parliamentary; for though they might not presume to advise his Majesty what form of war to pursue, they might surely say what ought not to be pursued. The war with America not having originated in laudable ambition, or in just policy, had been conducted without the dignity that became the British nation. Narrow, low, and selfish in its principle, the conduct had been mean, miserable, and defective. There was neither dignified resentment in the origin nor the progress. It was begun and carried on in pique, disgust, rancour, and narrowness. These low passions had been fed by disappointment; calamity, instead of making us wise, which was its common effect, had made us foolish; but we ought to consider, that sooner or later we must come to peace. We were already poorer by 70 millions than at the outset. If, then, peace must at last be sought for, the sooner surely the better; for the old prejudices and predilections of the Americans towards us, might not yet even be worn away from the bosom. Their trade, from that friendly partiality which long connection and intercourse are calculated to inspire, might revert to its old channel; but if the period was delayed, they would find new tracks, where they must form new affections, new habits, to the extinction of the last sparks of kindness that remained in the bosom. The House had been told, that when no demand was made of a greater supply of men from parliament than had been voted last year, it was clear that the war was to be carried on upon a much more confined plan than hitherto; because in the estimates for the year, the force under lord Cornwallis was included, which, being captured, could not act; but as the right hon. general had observed that the army had never been any thing like what it was declared to be in the estimates, it was obvious, that by making up the deficiencies, and rendering the army completely effectual to its nominal amount, we might have a greater force there this year than ever we had at any former period of the war; therefore the test given by ministers from the numbers voted this year might be fallacious, and probably it was so: he understood that great exertions were making to raise recruits in Germany and elsewhere; and therefore it was the indispensible duty of parliament to call upon the servants of the crown to say whether they did not still intend by these means to carry on the mad and absurd project of reducing America to obedience by force.

Mr. Secretary *Ellis* said, that though a very old member of parliament, he certainly was a very young minister; and therefore he trusted, that, in what he should say, the House would be so indulgent as to make allowance to him. As to the American war, it had always been his firm opinion, that it was just in its origin; nor could the events that had since occurred, make him change that opinion: but he never entertained an idea, nor did he believe any man in that House ever imagined, that America was to be reduced to obedience by force: his idea always was, that in America we had many friends; and that by strongly supporting them, we should be able to destroy that party or faction that wished for war, from motives of ambition, or a dislike to monarchy; to destroy that faction, and assist our friends there in that desired object, was, in his opinion, the true and only object of the war. Whether that object was now attainable, was matter fit to be considered. That our friends in America were still numerous was a fact, for the truth of which, he would not indeed pledge himself to the House; but he would nevertheless assure them that he believed it to be a certain fact; and he believed it to be so, because he had the best reasons to support his belief. If his sentiments were not now the same as they ever had been, respecting the practicability of the war, he did not feel himself so much under the influence of the unmanly shame alluded to by the noble lord, as to be afraid to confess that a revolution had taken place in his mind; and he was free to confess that he was not now so sanguine in his hopes of success as he had been some time ago: nor did he think that the confession disgraced him; for he held it to be the duty of a statesman to conform to the circumstances of the times, and not blindly and obstinately adhere to opinions, merely because he had once entertained and supported them.—As to peace, no man could have a more earnest desire

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to see it restored, than he had; and whenever it could be made with safety and honour to this country, he would most cheerfully concur with his Majesty's ministers in establishing it as speedily as possible. He could endure war, only as the means of procuring a lasting and safe peace: it was on this principle alone that war could be justified. The hon. general had said, that overtures had been made, or certain circumstances tending to a peace with America, had been communicated to his predecessor in office, but he really had never heard of any such thing before; and he was so very short a time in office, that he had not as yet seen any trace of such a notification.—The executive part of government was vested undoubtedly by the constitution, in the servants of the crown; but the House was no doubt competent to interfere in the executive department, if it should think it expedient so to do; but he hoped that the legislature would never interfere on slight grounds. If the House wanted a test of the intentions of ministry, respecting the future conduct of the war, a test had been already given, and that test was the vote that passed for the army of the present year: an army was lost last year, and no application had been since made to parliament for another to replace it; nay, as the captured army of lord Cornwallis formed a part of the 73,000 men, voted for the American service of the current year, it was clear that the operations of our troops must be proportionably confined, on account of the defalcation occasioned by the captivity of the army in Virginia.—Peace was certainly the wish of every man; but every man might not perhaps take the same steps to attain that greatly desired object. It was his business to submit to the judgment of the House, whether the best way to make an enemy sincerely wish for peace, was to withdraw the troops from the country, and rid them of those harassings which make men tired of war, and so anxious for the return of peace? In his opinion, it would be tantamount to this language—"we are tired out; do what you please, ask what you will, propose your own terms, you have carte blanche, we subscribe to every thing." On the other hand, to make them feel the burdens of war, was, in his mind, the surest way to make them wish for peace; and therefore he must conclude vigour and exertion was the surest forerunner of that inestimable blessing.—But gentlemen did not seem so anxious for peace in general, as to put an end to the American war. Seeing things in the light which he saw them, and having the grounds which he had for forming his judgment, he could not call the war in America, the American war; its true name was the French war; for, if he was not greatly mistaken, the army under general Washington in general, and the whole of the American continental army, was fed, clothed, and paid by France; so that it was France, not the Congress, that was fighting in America: it was not mere locality that gave name to a war; and therefore he held himself to be authorized in calling the war in America a French war. Now, if France might be fought in other countries, as well as in France; if she was fought last war in Germany, he could not see any solid objection against fighting her this war in America.—Having said this much in order to explain his principles, he thought proper to make some observations on the manner in which the motion before the House was worded. It condemned a war on the continent of America: this idea however was very vague; for if our general should attack the French forces in America, he might be condemned as having disobeyed the orders of that House; and yet gentlemen professed to say, that it was only with respect to the forces in America, that they would have our hands tied; the motion however made no such reserve, for a war on the continent of America was generally condemned by it. This amounted, in his mind, to a kind of tacit declaration, that the whole force of Britain should be withdrawn from America: if gentlemen thought the times ripe for such a declaration, let them make it; if they were not, why should they propose a resolution full of ambiguity? They no doubt expected, and justly too, that the orders of the House should be obeyed, but then they should not word those orders in such a manner as would render it impossible for any minister to act under them with safety to himself; they should consider that upon the faithful discharge of his duty, depended the fortune, the life, and the honour of a minister: and therefore the orders under which he must act, should be clear, distinct, and explicit. Ministers never could act to effect either in war or for peace, unless they possessed the confidence of that House; the ministry that could not gain that confidence,

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ought to retire; but if confidence was given to them, the consequence of that confidence ought to be, that they should be left to act to the best of their judgment, and to avail themselves of contingencies as they should arise; and not be crippled up by orders, which on many unforeseen occasions might perhaps be disobeyed with more advantage to the public than the most strict adherence to them could possibly produce. All he wished was, that the House would be explicit in its orders, and not place the servants of the crown in a situation in which they could not act, either with safety to themselves, or benefit to their country. He had thought it his duty to say thus much, by way of confession of his faith in his new situation. He came into the office which he now held, to employ the small portion of vigour, which age and infirmity had left him, for the good of his country; he had now made his confession of faith, and he trusted to the satisfaction of the House.

Mr. *Burke* rose next, and made an admirable commentary on the speech of the American secretary. The House had no doubt been exceedingly attentive to the speech of the right hon. gentleman who had risen, soon after his appointment to the important office which he now held, for the desirable purpose of giving complete satisfaction to the House on the questions of the right hon. general who had moved the proposition. Whether he had done so or not, the House were now left to determine; but there was one expression of the new minister at the latter end of his speech, which forcibly marked the quality and nature of the explanation which he had more than once given of his principles, and of his plan of conduct. He declared that he had given the House "his confession of faith." This was the name which he had given to his satisfactory explanation, and with infinite justice; for, said Mr. Burke, it resembles many other confessions of faith which I have seen, and which you must all have seen; though it may, by the effect of some internal light, be perfectly intelligible to the right hon. member himself, it will be totally unintelligible to all the rest of mankind. A confession of faith more obscure, more confused, more intricate, and more absurd, perhaps was never framed and published for the delusion and calamity of mankind: like confessions of faith of the same unintelligible nature, it could only be supported by miracles. For what had this new minister said? What satisfaction had he given to the House, and for what had the new arrangement in office been made; to which the nation had looked with expectation, and considered as the date of a new system, founded on conviction of past errors, in which this fatal and ruinous war was to be at length given up? Not one thing which had not been said a hundred times by the last American secretary, and which had been said for the delusion of the House five years ago; the American war was to be continued; the same system was to prevail; the kingdom was again to be drained of men for the support of it; and more millions were to be lavished and lost in the pursuit; for to all this expressly did the confession of faith of this new minister go. It might have been expected at least, that when a new minister was appointed, a new language would have been held, if not a new system adopted; but even with this they were not gratified: not one new idea, not one new sentence, not one new word; but the self-same, old, hacknied, stale, and common language as ever. Yes, there was one new idea started, and he begged gentlemen to attend to it. This hopeful contest, though it was to be continued, was no more to be considered as an American war. Its locality was nothing; its being carried on in the colonies was nothing; it was now converted into a French war; this was the only thing in which there was either novelty or change; and from the new arrangement in office, this was all that had been produced. A new arrangement had been made, that a peerage might be conferred on a man who dismembered his country, that the American war might be converted into a French war, and that an old man might be changed into a new minister. He defied all the world to find another benefit from this alteration. The American war was to be considered as a French war; and we were to go on persecuting the Americans, not for the purpose of reducing the Americans to obedience by force, but for the purpose of reducing the French. What was the absurdity, or rather what was the wickedness of this idea? In the beginning of the present session, the effect which the loss of earl Cornwallis's army produced, forced the ministers to give assurances to the House that they must contract the scale of the war, and that it would be conducted, in future, on a very different plan from what

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it had been: here, then, was the execution of this ministerial assurance: we will no more prosecute the American war—we will drop that entirely—we have no farther intention of reducing the Americans to obedience by force; but—but—here is the fine ministerial distinction, and the new plan of delusion; but we must prosecute the French war which now rages in the fields of America. Did not gentlemen perceive at what they aimed by this new argument? Surely they must see, that under this pretext, every hostile and offensive operation that can be contrived for the distress and persecution of the people will be continued, when they have no longer the hope to subdue.

But how did the new minister discover that the war in America was to be considered as a war with France? Had he discovered that the French and Americans had entered into an alliance, and that France had bound herself to support the independence of the colonies? What proof had he of this fact? Or what intelligence which justified him in saying, that by prosecuting the American war, we fought against France? Instead of making thereby a diversion against the enemy, we unfortunately made a most material and injurious diversion against ourselves in favour of France; and she would continue that diversion as long as we pleased; for it cost us twenty thousand for every thousand that it cost them. But under this new name of a French war the American contest was to be persevered in; and from this new minister we were to receive exactly the old system. The right hon. gentleman had told the House exactly the story which he had told for five years. He had for a long time, in an inferior order of ministerial existence, crawled upon the leaves of the American system; but now, like the caterpillar, he had left the chrysalis state, his wings had broke from their foldings, and now expanded, he took his flight; but though his appearance was different, the creature was the same. Indeed, it might with truth be asserted, that the late secretary for the American department, though called up by a patent to the other House, was still to be found in effigy in his old seat. There he sat with all the plans of the American war thick upon him. The right hon. gentleman was the noble lord's universal legatee. On his political death he hath bequeathed to the right hon. gentleman all his plans, projects, and measures, nay, his ideas, language, and words, all and several the parts and parcels of the American war he had transmitted by his last will and testament to the right hon. gentleman, who was his heir, successor, executor, and universal legatee; not one scrap had he suffered to go into other hands, but all had devolved on this new minister, and he still spoke, lived, and acted in that House, as heretofore, only he had gone into the shape of the right hon. gentleman. The right hon. gentleman, before he had been many days, nay many hours among them in his new capacity, had thought so meanly, or so ignorantly of the sense and dignity of parliament, as to believe that they would suffer this insult of going on with the American war under a new name. Though he was a new minister, he was an old member, and he ought to have known and felt more respectfully and justly of parliament. What! at this day, after a seven years experience of the absurdity and impracticability of the contest, to be told that we were to go on! Not one ragged nor tattered fragment of an excuse to cover the design; that, at least, if men were to be seduced, there might be the grace of delusion in the business; no cover, no disguise—none but the miserable and ridiculous stratagem of giving a new name to the old story. The cheat was too paltry to pass even upon parliament, much less on the suffering and burthened people, whom it was ultimately to affect.

That he was right in asserting, that the right hon. gentleman was the universal legatee of the noble lord, was evident from this, he had succeeded to his hopes, to his intelligence, to his knowledge of our numerous friends in America, to his total ignorance of every thing that tended to peace. He had said, that he had great and good reason to believe, and to be persuaded that we had many and numerous friends in America. He did not know it, he had no personal knowledge of the fact; he had only good and substantial reasons to believe it. The fact was plain, the right hon. gentleman was already in possession of all the noble lord's refugees; 72,000*l.* worth of refugees had come to him as part of the inheritance. Oh! exclaimed Mr. Burke, that we could only come to the happy moment when ministers would be pleased charitably to forbear the name of our friends in America. It was our friends in America that had done us all the mischief. Every calamity of the war had arisen from our friends; and if

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such were to be our friends, he wished to God that we might hear of them no more. When exhausted and famishing, had our friends assisted us? Had they brought us a single bullock, a single bushel of Indian corn? Had they assisted us in any one shape or way? No: they had drawn us in the north to Saratoga; and in the south to York-town. What did the right hon. gentleman mean by his holding out the delusion of more friends? Did he recollect, or did he think of the 10th article of the last capitulation? Or did he mean to make other 10th articles for the purpose of giving up what few friends we might still have left? The right hon. gentleman also had hopes of success. After all our calamities, after having found by experience, that when we had only America to oppose, we were unequal to the reduction; now that we had fresh accessions of enemies, nay, that we had the most powerful in the universe to oppose, he had reason to entertain hopes. Miserable hopes! What had the American war produced? What but peerages and calamities? What but insults and titles? Was there any thing to give hope? O yes, we must not only have hope, but confidence in ministers. Confidence! could we have confidence in the men who still determined to prosecute this mad and impolitic war? It was impossible. Could we have confidence in this new minister, who seemed determined to tread in the footsteps of his predecessor? He had heard nothing of propositions of peace. He had found no traces of any thing like negociation for peace in his office: Oh! no. There was no reason to expect any thing of that sort in the office of his predecessor; or if there was, he dared to say that it lay hidden and concealed, unless the right hon. gentleman had taken the trouble to make particular inquiries of the principal people in the office, whether or not there were any papers in the place relating to propositions of peace. But it was not the temper of the noble lord to cherish any thing of that sort. But surely the new minister must know, that there had been propositions of peace made under an act of parliament, by the commissioners sent from this country; and for the purpose of shewing that the noble lord, who had lately gone up to the other House, after seeing those propositions made in the moment of his absurd hope, that is, in the very moment of actual distress, not only forgot, but expressly contradicted the offers that were made. The hon. gentleman read extracts of a letter from lord George Germain, now lord Sackville, to a gentleman in America, in which he recommended to him, in settling with such as might be inclined to return to their allegiance, to repress the republican spirit, and to adhere closely to the old constitutions. The hon. gentleman said, that the moment of our ruin in America was the season of his hope. He had indulged expectations of success so ill-founded and fallacious, that in the very instant when he formed and retailed them, the serious plan for our destruction was formed, and beginning to be put in execution. The hon. gentleman, to shew this singular fact, read several extracts of letters from the late American secretary to sir Henry Clinton, and others of his confidential correspondents, dated in the months of January, February, and March, last year, in which he informed him, that all was perfectly safe in France, there was nothing to be expected from that quarter, and therefore he planned and suggested another expedition like that of general Burgoyne, to be performed by general Haldiman from Canada, just at the time when De Grasse sailed from Brest with the armament which captured the army of earl Cornwallis at York-town. In the month of February 1781, he knew nothing of the armament which sailed on the 7th of March. In the month of February he ordered a new expedition, that another army might suffer the disgrace of a surrender. He received all his American intelligence from France, and his French intelligence from America. He recommended to sir Henry Clinton, at a time when the exchanges of prisoners were stopt, to send the American prisoners to the West Indies, to recruit our regiments there, "because there was a great mortality reigned among them in that intemperate climate." This was the way which he laboured to regain the scattered affections of America. This was the way that he strove to conciliate their warring dispositions, and bring them to loyalty and peace. This was the plan and conduct of this war, from which he had retired with the distinguishing reward of a peerage.

The hon. gentleman said, it was no security to parliament that the estimates of the present year did not ask for a specific number of men in addition, to be sent to America for the purposes of the war Without forming new regiments, let them only fill up the present, and the force

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would be greater than it had been at any former period of the contest. Besides, it would not, and it must not be asserted, that ministers had not got the power at any time to increase that number, by bringing before the House fresh demands. With respect to the possession of posts in America, for the purpose of carrying on a war with France, or of taking the advantage of contingencies, they could only be valuable, when, by their natural strength, they might be occupied by a few men, that they might have the opportunity of detaching a great many from them on actual service; and he called upon the House to say, whether the posts of New York, Charles-town and Halifax, were posts of this kind, or posts which could produce any other than that simple and curious one, of waiting to take advantage of contingencies. No contingencies, he said, could possibly arise favourable to this country while the present system was pursued.

Mr. *Adam* considered himself then in a very different light from what he had appeared forty eight hours before: in the last debate, he was exercising his judicial authority, vested in him as a member of parliament, by the constitution, in scrutinizing the past conduct of a minister; but this night he was called upon to act in a very different capacity, in a capacity which he did not derive from the constitution, namely, that of advising, or rather pointing out the different measures, which the executive power was then to pursue; this he held to be unconstitutional; for the House of Commons must be converted into a privy council, and a council without grounds or documents to go by, to direct the crown; this was unconstitutional, for by the constitution, the House had an indisputable right to examine into the past; but they could not dictate the measures to be adopted, without encroaching on the rights of the executive power. Gentlemen seemed apprehensive, lest the army in America should be recruited up to the full complement, or number stated upon paper; but he thought the character of sir Guy Carleton, who was to command that army, took away all grounds for such apprehensions. That officer was extolled on all sides for his great military abilities: his talents were acknowledged to be of the first magnitude, both in offensive and defensive war; but still if there was any one part of the military profession in which he excelled more than in another, it was undoubtedly in defensive war, of which he had given so brilliant a proof at Quebec, where he had acquired immortal honour by the gallant and judicious defence he made, and the signal success he obtained over the enemy. It was therefore most probable that a defensive, and not an offensive, war was the object of the ministers, who had appointed sir Guy Carleton.

Lord *Sheffield* was against the motion, and urged that it would be impolitic to withdraw our troops from America, as the Americans then might annoy our West India islands. He said he did not clearly understand the motion; he knew not how we could separate the war with America from the war with France; or how we could talk of maintaining a war of posts without intending to make it a war of offence. If we had not a force in America which should be able to act as occasion might require, we must lose every post in detail from the river St. Lawrence to the Cape of Florida. We must either fight France in America, or we must fight her in the west, in the east, or at home, in the rich fields of Britain.

Mr. *Wilberforce* was much in favour of the motion, and declared, that while the present ministry existed, there were no prospects of either peace or happiness to this kingdom. He said, it tended to hold out wise advice and direction to ministers for their future conduct, respecting the American war; their career hitherto had rather resembled the career of furious madmen than the vigorous and prudent exertions of able statesmen. He declared, from a part of what the new Secretary had said, he began to suspect, what a subsequent part of his speech had fully confirmed in his mind, namely, that it was intended to pursue the ruinous war in the former cruel, bloody, impracticable manner.

Mr. *T. Townshend* spoke strongly in favour of the motion; it had been thrown out in the debate, he said, that it was not now an American war, but a French war; that America was become dependent on France, that France had conquered America; what, then, could be inferred, but that France, with 5,400 men in America, had done more than England had with 73,000?

Mr. *C. Turner* said, that the people of England, especially the poorer sort, were so reduced by the American war, that the farmers in the country were glad to sell their corn as fast as they could thrash it,

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merely to support themselves. He declared that he differed from those who looked to parliament for the salvation of the nation; he had trusted to them too long; and the only salvation now lay in the people, whom he would join on the first occasion.

Colonel *Barré* moved, that the petition from Bristol, lying on their table, might be read, which being complied with, he said, the many burdens and grievous oppressions which it was stated that great trading town laboured under, by this destructive and pernicious American war, were not peculiar to it; they were common to the whole kingdom; he was confident the city of London had similar sentiments with regard to the war, and the reason that their table was not loaded from all parts with petitions of the like nature with that just read, was, that the nation did not look up to parliament with that respect which they were formerly wont to do; they had fallen into contempt in the eyes of the public; and that, and that alone was the cause that complaints of the distresses, heavy burdens, and intolerable hardships which the nation endured, did not pour in from every quarter. An hon. gentleman had said, that this mode of addressing the crown was unprecedented. Good God! Sir, said he, the situation of our country is unprecedented; and is this a time, when the nation is verging on absolute ruin, to search for precedents to warrant us in those measures which may avert that destruction? From what has fallen from the new Secretary of State, he could plainly perceive that the same wretched argument and folly which had hitherto promoted and carried on the accursed war, still influenced the conduct of ministers; he said, we had many friends in America, and it would be cruel to abandon them to the merciless hands of the Congress. It was an entire delusion; we had no friends in America; and ministers had been duped into the idea of the contrary by the falshoods told them by refugees here. To their misinformation we might chiefly attribute our disasters in America. To contradict their lying reports to government, we needed only refer to lord Cornwallis's public letters. In them he told us, he met none of those many loyalists he was made to believe he should in North Carolina, a province in which he stood most in need of them; in his march throughout almost the whole province, he found them timid friends and inveterate enemies. Did this language denote loyalty? Were these the numerous friends and warm advocates for this country, that ministers were so mighty tender of deserting? However, his lordship being necessitated, through want of provisions and other circumstances, to march to Wilmington, he there found a number of Americans assembling, not for the purpose of arming, as would be falsely insinuated, but merely to see that gallant general, lord Cornwallis, who had so repeatedly beaten general Green; and as soon as this sight was over, and they paid their addresses to his lordship, they retired with as great expedition out of the town as they made in coming in: and he had it from very good authority, that lord Cornwallis could not, with every persuasion in his power, prevail on even 100 men to arm themselves in his support. From this account of the disposition of the Americans, must not every man, endued with any degree of reason, see the impracticability of subduing America by force?—In the next place, if it was meant to be made a war of posts, our forces were too numerous, a smaller number would answer the end as effectually, and the rest might be employed with vast advantage to the nation elsewhere; therefore, when he saw no such plan in agitation, but on the contrary, that there were more regiments and forces to be sent to augment our armies, he must naturally conclude the war was to be carried on as extensively as ever, nor was he the less convinced of this circumstance, from what an hon. gentleman said, that the estimates on the table proved incontestibly that the war was not to be carried on on so large a scale as heretofore. The estimates, in his opinion, could afford no certainty whatever of the designs of government, for, to pursue their favourite plan, they might send the army from Ireland, they might send the army from England, and therefore, without some direct confession of administration, that they do not intend continuing an offensive war in America, they were as perfectly at liberty to act now as they were at the first day. To shew the deceit and the inconsistency that ministers had shewn in the whole course of this war, he would read a paper, written by the secretary (sir Grey Cooper) of the noble lord in the blue ribbon, and at his express desire, in order to be shewn to the Congress. It mentioned, after stating several particulars of the power of this

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nation, and the great disadvantages that would attend the perseverance of America in this war, that so high was the spirit of the nation, that ministers had not influence to procure them any concessions from parliament, if they were inclined to it ever so much; and, at the very same time that this paper was written for the inspection of Congress, the noble lord proposed to this House offers for a reconciliation with the colonies. Then, was it possible to suppose, that America, who had seen so much duplicity in the conduct of the servants of the crown, would ever have faith in any propositions which might originate from them, without they had a confirmation of the sincerity of their wishes by a vote of this House?

The *Secretary at War* remarked, that if an end to the American war was what gentlemen wished for, the withdrawing our forces would by no means have that effect; for America, when she had no force in that country to cope with, would certainly attack us in her turn; so that we should still have an American war; besides, her ports would be open, and would every day increase in wealth and power, a circumstance this nation should use their utmost endeavours to prevent. He said, gentlemen wished to be informed what government meant by war of posts. His idea was, that we were to keep no regular army in the field, but in keeping those posts we had, we might add others to them whenever they should be found advantageous to us, thus affording us the means of attacking the enemy if an opportunity served of doing it with success; he said the address now moved for was not explicit enough, the terms of it were too obscure, nor could he see any possible benefit could arise from it; if he did, it should have his warmest support.

Mr. *Fox*, in a most able speech, exposed the duplicity of ministers. He said he was happy to find, on the late occasion, 219 honest, independent men. If the people would only consider the vast number of contractors and placemen, that unworthily and unjustly had seats in that House, they must be convinced, that a majority of nineteen, for a minister, was, in fact, a minority, as it proved most clearly and unequivocally that the voice of the people were undoubtedly against him. He was exceedingly severe on administration, and was glad to find that he had discovered who that evil spirit was that conducted all our mischiefs; it was a person higher than the noble lord in the blue ribbon; for the noble lord was only his puppet, and acted as he was told. The right hon. gentleman had spoke out. He now understood what was meant. He would take the word of a principal. The other persons on the same bench with the right hon. gentleman, though ostensible ministers, were only secondary kind of beings compared to him. That infernal spirit that really ruled, and had so nearly ruined this country, which was much greater, though not so visible, as ministers, had spoken through the right hon. gentleman's mouth. He said, it was now evident, that the war was to be pursued in America in the same mad manner in which it had been conducted hitherto. He talked of the distinction of carrying on a war with America, and in America, and said, every body had hoped, from what had fallen from the Lord Advocate, and the noble lord in the blue ribbon before the holidays, that the war in future was only to be continued with America, and not in America. But the right hon. gentleman's explanation of the sort of war of posts to be adopted, had fully convinced him. He declared, if the learned lord did not vote for the present motion, what he had said before the holidays would bear the construction of having arisen from personal animosity, otherwise how was his speaking against one minister, and supporting another for pursuing the same measures in the same manner, to be accounted for?

The *Secretary at War* thanked Mr. Fox for the very elevated situation to which he had raised him, but declared, he was not entitled to any such honour, and assured the hon. gentleman, that he was not actuated by any other spirit than his own.

Lord *Mahon* read a part of a declaration of Congress dated July 1775, which was highly complimentary to the late earl of Chatham, his father-in-law. He said, that lord Chatham had expressed himself highly flattered by the compliments paid him by Congress, and after reading it, he held it up, saying, "They do me too much honour, but they are ill advised, for this is a sin which will never be forgiven."

Lord *North* took notice of the very high rank which Mr. Fox had thought proper to confer on the Secretary at War, and the very low rank to which he had been pleased to degrade him. He rose,

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therefore, a poor ostensible minister embarrassed not a little in limine, for he was called upon to give the House satisfaction, and told at the same time, that let him say what he would, he was not to be believed. Under that difficulty he would nevertheless repeat what he had said before the holidays. He wished sincerely for peace; in 1775, when he made the proposals of conciliation he wished for peace. Government, he solemnly assured the House, had no intention whatever of pursuing the American war as before. The army estimates were the strongest proof of this. No new corps were to be sent over, nothing but recruits. If we did not withdraw our troops, it would be the weakest thing in the world not to put them in a situation to defend themselves. He assured lord Mahon that lord Chatham's remarks on the Congress declaration were not founded. He did not recollect having heard of that paper before; certain he was it had not the smallest influence on the conduct of ministers. Had the present motion proposed a total removal of the troops, he would have had a clear, definite, distinct idea of it, and should have known how to have treated it. But as it stood, it was neither one thing nor another, it was in his mind dangerously inexplicable; he should therefore vote against it.

Mr. *W. Pitt* urged the necessity of putting a speedy end to the war. It had been, he said, remarked in the debate by the new secretary, that to make peace with the Americans, you must make them feel the calamities of war. Surely we ought to pay some respect to the calamities of our constituents at home; they, he would be bound to say, felt all the calamities of war.

The *Lord Advocate* rose to answer a part of Mr. Fox's speech, which was supposed to accuse him of condemning in lord G. Germain what he approved in Mr. Welbore Ellis, and was against the motion.

Mr. *Bankes* was much in favour of the motion, and shewed that it was truly constitutional for that House to interfere, and the only proper means of bringing about the desired object, a peace with America.

Mr. *T. Pitt* was in favour of the motion, and traced the American war with much accuracy and precision, as well as the different conduct of the minister at different periods of it.

Mr. *Powys* moved, that the Journals of the 6th of February, 1775, be read, which was done, shewing the Address to his Majesty to prosecute the American war; he then argued that it was not now necessary for the House to agree to the present motion, as they perceived that the war was no longer practicable.

Mr. *Rigby* said, he undoubtedly was of opinion some time back, that the American war was a just one; he still continued to think so; but he was also of opinion, that the complexion of the times had altered, and that it was no longer practicable to pursue it; yet he should vote against the present motion, as it interfered with the executive power, and left ministers in a situation not knowing what to do.

General *Conway* explained the nature of the motion, and said it was necessary for the House to come to the resolution proposed, as a basis to treat upon, as it would shew the world that the House of Commons were in earnest. The right hon. general reviewed all the arguments that had been urged against the motion, and gave them clear and forcible answers.

At two in the morning, the House divided:

Tellers,

Yeas	Mr. Byng - - - - -	198
	Mr. Hussey - - - -	
Noes	Mr. John Robinson - -	194
	Mr. Adam - - - -	

Majority against general Conway's motion, 1.

Mr. *Fox* said, that as the question had been decided against his side of the House by the majority of a single vote only, he thought it necessary in that full House to give notice, that the same question would be brought forward again. He did not doubt it would then be carried. It was highly necessary that the voice of the people should be effectually heard, before the noble lord in the blue ribbon opened the budget.

Colonel *Barré* complained of the indecent conduct of the noble lord in the blue ribbon in giving notice of so important a matter as the opening of the budget, in a thin House of a Friday, for the next Monday. This was of a piece with the noble lord's conduct in having appointed commissioners of accounts, keeping them employed two years, and receiving reports from them full of matter worthy of the

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most serious consideration of parliament, and yet suffering these reports to be on the table like so much lumber. Here the colonel grew vehement, and used language extremely harsh and acrimonious. He called the noble lord the scourge of his country, said he had drained its resources, spent its cash, and reduced it almost to beggary; he had ruined Great Britain as a state, emptied the pockets of the subjects, and his conduct to that House was insulting and intolerable. For a minister who had been the scourge of the nation, and who had himself appointed the commissioners, and yet had not attempted to profit from their various beneficial suggestions, but instead of doing so, to come to the House and propose a new loan, was most indecent and scandalous, and ought to rouse the indignation of every gentleman present.

Lord *North* immediately got up and said, he had been so used to language from that quarter, so extremely uncivil, so brutal, and so insolent—[Here there was a great uproar; the chair and opposition calling to order.] At length,

Mr. *T. Townshend* spoke to order, and said he had never seen such a violent breach of order, and such a total disregard of decency as the noble lord had been guilty of. The hon. gentleman had attacked the minister on public grounds, and in a warrantable parliamentary manner; yet the minister, a servant of the public, and a servant of that House, had dared to call an hon. member of that House, "insolent and brutal," for speaking what he and every other member had a right to say to any one of the King's ministers. He was proceeding, when

Lord *North* said, he begged pardon of the House, but would not apologize to the hon. gentleman, whose unhandsome language had forced from him the exceptionable words. That hon. gentleman was addicted to treating him in a stile of peculiar harshness. He begged the House to recollect that his conduct had been called "insulting," and his behaviour, "most indecent and scandalous." He appealed to the chair, if he had not said to the Speaker early in the day, that he wished to give notice of his intention to open the budget on Monday, but the House was so thin he knew not if it would be right. That the Speaker had answered, he might as well give the notice then, as it would undoubtedly be generally known in the course of the day, and the end by that means fully answered. His lordship declared, he could not have given notice sooner, because he was not himself apprized till that day, that the business was in such a state of settlement, as to justify his declaring it to the House.

Mr. *Dunning* spoke to order, and said, when any member violated the orders of the House, a general apology was all that was requisite; but in the present instance the noble lord had made an exception in his apology; therefore it was not that sort of apology that ought to satisfy the House.

The *Speaker* said, the House had a right to an apology, and the more comprehensive it was made, the more it was likely to afford general satisfaction.

Lord *North* again apologized to the House, and said, he had imagined in all such cases, an apology to the House was the proper apology; and therefore after having made that, he thought the best way of rendering it unexceptionable was to state truly and fairly, what it was, that had drawn from him the words that were disorderly.

Mr. *Dunning* said a general apology would have been sufficient, had not the noble lord made a particular exception; the House ought to insist on a particular apology to the hon. gentleman, for it seemed, as if a new cause of offence was offered him in the apology made by the noble lord.

Lord *Westcote* said, if a particular apology was expected from one side, the other side had also a right to an apology; for the language of the hon. gentleman had been as improper, as that which it had provoked from the noble lord.

Mr. *W. Pitt* said the noble lord had been called to order; and the question was whether he had complied in a manner satisfactory to the House. With regard to what the noble lord who spoke last had said of another hon. gentleman having been disorderly, that was a matter totally distinct, and could not come under consideration while they were discussing another breach of order in another person.

The *Speaker* said, that the apology ought to be as general as possible, and to comprehend an apology to the individual affronted. He was convinced the noble lord wanted no instruction, but would of himself make an apology every way handsome and satisfactory.

Lord *North* then made an apology without any exception; and said it was a won-

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der he should ever lose his temper, considering how often he was obliged to hear hard words applied to him personally.

Mr. *Dunning* rose and repeated his former objection.

Lord *North* said he had made an apology without any exception whatever, and appealed to the House, whether, what he had said, was not satisfactory.

Colonel *Barré* rose and declared he accepted the apology. The colonel added, his own language had not been unparliamentary, he had spoken of the noble lord as a public minister, but the noble lord was not entitled to make the attack upon him which he did, because he was only a private individual member of parliament, and not in any public or responsible situation. He declared he should be ashamed to behave improperly in that House; and that to the noble lord as a private gentleman, he was not in the least disposed to use any rude or uncivil language, less perhaps than to any one man living. What, however, had occasioned the noble lord's heat? He as a member of the House had justifiably complained of the noble lord as a minister, and ought the noble lord, on that account, to have called him brutal?—[A cry of Order! order!]

The *Speaker* told the colonel, that having accepted the noble lord's apology, he ought not to repeat the obnoxious words.

Colonel *Barré* said he did not mean to say a syllable offensive to the noble lord's ear, or that any other gentleman, he did not mean to repeat the words offensively, by repeating the word brutal, he meant only to reason with the noble lord on the case.

Sir *E. Deering* appealed to the chair, whether as an apology had been made, it was warrantable to dwell upon the obnoxious words?

The *Speaker* gave it as his opinion, that they ought not to be mentioned.

Mr. Courtenay rose to speak, but was interrupted by Mr. F. Montague, who thought enough had been said on the subject, and therefore moved to adjourn. Mr. Fox gave notice that the question debated that day would be brought on again in the course of next week.

Feb. 25. General *Conway* rose only to give notice, that on Wednesday next he would make a motion, as nearly the same in substance as the orders of the House would permit, as that which was rejected on Friday last. His reason for bringing again before the House the subject of the American war, was, that, considering the very small majority by which his last motion was rejected, and the number of members who were absent on that occasion, he was of opinion that the sense of the House had not been fully taken; therefore, that the subject might be farther discussed, and that all the members in town might have a fair opportunity of expressing, by a vote, what was their sense of the farther prosecution of the American war, he then announced that on Wednesday next he would renew his motion.

Debate in the Commons on the Budget.] Feb. 25. The House being in a Committee of Ways and Means,

Lord *North* entered upon the arduous business of the loan. He said that many parts of the necessary supply of the year had not yet been voted, and therefore he could not state the whole of the supply with that degree of precision with which he could speak of it when all the estimates should be laid upon the table: however, he knew he could come so near the exact account, that gentlemen would be at no loss to form a just opinion on the subject. Various sums had been already voted under the heads of navy, army, ordnance, exchequer bills; and there still remained very considerable sums to be voted for miscellaneous services. The committee of supply had already voted 100,000 seamen, including 21,000 marines, and for their support, 4*l.* per man, per month, which made 5,200,000*l.*; for the ordinary of the navy 409,766*l.* 12*s.* 9*d.*; for building, re-building, and repairing ships 953,519*l.*; total for the navy 6,563,000*l.* 12*s.* 9*d.* Of the navy debt he intended to pay off this year 1,500,000*l.*; which would make the whole voted, and to be voted for the navy, for the service of the present year 8,063,285*l.* 12*s.* 9*d.*

It might be thought that 1,500,000*l.* was too small a sum for the discharge of the navy debt this year, when compared to that which had been voted last year for the same purpose, which was 3,200,000*l.* but then it was to be remembered, that it was a particular circumstance, which did not occur often, that had enabled parliament to pay off so large a sum; this particular circumstance was the renewal of the Bank charter, for which 2,000,000*l.* were advanced by the Bank. According to the

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terms of the agreement 1,000,000*l.* was to be advanced last year; the other, on or before the 1st of March, 1782: the Bank, however, in order to accommodate government, had advanced before the expiration of the year 500,000*l.* of the million, which was not to become payable till March next; so that the whole of the two millions had not yet been applied to the discharge of the navy debt; there remained still half a million, which he would add to the 1,500,000*l.* that he intended to dedicate to that use this year, by which means he would be enabled to pay off 2,000,000*l.* of navy debt. Adding, therefore, this half million to the gross sum of 8,063,000*l.* already stated, the whole supply for the navy for the present year would amount to 8,563,000*l.* just about 127,000*l.* less than had been voted for the same service last year.—There had been already voted for the ordinary of the army 4,208,097*l.* 2*s.* 6*d.*; there remained to be voted for the extraordinaries of the army 3,516,214*l.* 5*s.* 8*d.*; which together amounted to 7,724,311*l.* 8*s.* 2*d.*—For the ordnance there had been voted 1,612,089*l.* 19*s.* 5*d.*; exclusive of the salt-petre contract, which had been broken; if it should be renewed on more advantageous terms for the public, then the ordnance would have a claim of between 40 and 50,000*l.*—Exchequer-bills had been issued to the amount of 3,400,000*l.*; and also for the vote of credit 1,000,000*l.*; total 4,400,000*l.* These were the sums which had been already voted by parliament. There remained to state to the House the sums which still remained to be voted. The various deficiencies in taxes of former years, and of sundry grants, amounted to 882,643*l.* 6*s.* 7*d.* but then in this sum was included a deficiency which always existed, and which was always allowed in the land and malt taxes, of 400,000*l.*

With respect to the grants of parliament, they would appear, to the Levant Company 5,000*l.* to the African Company 13,000*l.*, for roads and bridges in Scotland 5,000*l.*, to the city of London, towards rebuilding Newgate, 10,000*l.*, to American sufferers 68,439*l.* 16*s.* This last article to be sure, was more than was paid last year under that head, the sum then being only 57,912*l.* 10*s.*, but the reason was, that a considerable number of the American sufferers had been ordered to return, which they had, he was free to own, obeyed cheerfully; and it was always customary to grant them one year's salary, and a quarter advance for the expences of their passage, which occasioned the sum of 10,000*l.* more this year than the year before, consequently next year there would be a saving of that 10,000*l.* and should they stay in America, the whole sum would be annually saved: but, on the contrary, if they were obliged to return, undoubtedly they must again receive the like pension. There were also for the British Museum 3,000*l.* and for American civil governments 14,957*l.* 10*s.* 5*d.*—He begged pardon of the committee for having omitted the expence attending the convicts at Woolwich, which would this year amount, according to Mr. Duncan Campbell's account, to 14,719*l.* 4*s.* Towards the building at Somerset-house, what seemed to be the intent of parliament, to grant annually 25,000*l.*, and with respect to the salt-petre contract with Mr. Townson, it was entirely put an end to; but supposing that Mr. Townson did not supply the salt-petre, some other contract must be made; he should therefore estimate that at 50,000*l.* which would make the whole of the miscellanies to be voted 209,788*l.* 15*s.* 5¼*d.* which being added to the 8,000*l.* already voted, made the whole sum under the head of miscellanies exactly 217,788*l.* 15*s.* 5¼*d.* therefore the supplies for the present year would stand as follow:

	£.	s.	d.
Navy	8,063,285	12	9
Army	7,724,311	8	2
Ordnance	1,612,089	19	5
Exchequer Bills	4,400,000	0	0
Deficiencies	882,643	6	7
Miscellanies	217,788	15	5¼
Total of Supplies	22,900,119	2	4¼

The only Ways and Means that parliament had already granted was that of the land and malt-tax, which amounted to 2,750,000*l.*; and the next great object which the House was to turn their eye to, was the sinking fund, the disposable part of which was always made up to the 10th of Oct. and appeared as follows: In 1779 2,394,753*l.* 7*s.* 8¾*d.*; in 1780 2,977,661*l.* 12*s.* 7*d.*; in 1781 3,039,024*l.* 11*s.* 9¼*d.* Upon which a medium being struck on the three years account, the average would appear 2,803,813*l.* 4*s.* 0¼*d.* which ought to be compared with the produce of the sinking fund, without grants on the one hand, or deficiencies on the other, which in the three years alluded to would upon the

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whole appear to be: In 1779 2,792,587*l.* 12*s.* 1*d.*; in 1780 3,079,467*l.* 18*s.* 2¼*d.*; in 1781 2,874,481*l.* 18*s.* 5*d.* The medium of which appeared to be 2,874,081*l.* 8*s.* 3*d.* but the medium he should take would be 2,915,512*l.* 9*s.* 6*d.*

He next informed the committee, that there appeared a balance in the Exchequer at Michaelmas last, of 203,795*l.* 11*s.* 10*d.* unappropriated, arising from grants and surplusses of last year: but there would appear a deficiency of 51,680*l.* in the Christmas quarter, which was to be accounted for by the India Company not being able to pay up the balance due for their customs, on account of the late arrival of their ships; but which sum the Company would be sure to pay in this quarter: and as the interest of 3½ per cent. on one stock would cease on the 5th of July next, and continue for the future at 3 per cent. there would be a saving of ½ per cent. which would be annually 22,500*l.* it therefore for the half year would be 11,250*l.* which being added to the medium of the disposable part of the sinking fund for the three years mentioned, would make the sum of 3,181,858*l.* 15*s.* 10*d.* and if added to the medium of the produce of the sinking fund, without grants or deficiencies, it would make 3,293,558*l.* 1*s.* 4¼*d.* but he should only take the sinking fund, and unappropriated surplusses, at 3,100,000*l.*

The Exchequer bills of last year he said were 3,400,000*l.* but he should this year take them at 3,500,000*l.* which would not be any injury, as they went off well, and it was nothing but fair to take the advantage.

The sum arising from the sale of French prizes was to be sure a mere trifle, it was only 10,000*l.* and the money arising from the sales in the ceded islands he had last year estimated at 3,500*l.* but they had turned out better than he expected, and he had now put them down 5,000*l.* the sale of gum seneca amounted to only 1,000*l.* the surplus of grant, to 16,608*l.* 6*s.* 0¼*d.* and money arising from savings in the last year he would take at 100,000*l.* therefore all those sums taken together would form the whole of the ways and means, and would appear as follow:

	£.	s.	d.
Land and malt	2,750,000	0	0
Sinking fund	3,100,000	0	0
Surplus of grants ...	16,608	6	0¼
Exchequer bills	3,500,000	0	0
Savings of money ...	100,000	0	0
French prize-money	10,000	0	0
Ceded islands	5,000	0	0
Gum seneca	1,000	0	0
Loan	13,500,000	0	0
Total ...	22,982,608	6	0¼
Supply.....	22,900,119	2	4
Surplus of ways and means.....	82,489	3	8

Gentlemen no doubt would ask him, how he came to propose a loan of 13,500,000*l.* when there did not appear that sum already voted and not provided for by ways and means; he therefore begged leave to acquaint them, that parliament had already voted 16,768,002*l.* 4*s.* 3¼*d.* And the only sum provided for by ways and means was 2,750,000*l.*: leaving a deficiency of 14,036,002*l.* 4*s.* 3¼*d.* By this account, consequently, he was strictly with the rules of parliament to propose a loan of 13,500,000*l.* He knew only three ways by which loans had ever been made; to accept of the offers made in private by individuals, stating the sums which each was ready to advance; an open subscription with a deposit of part of the subscription money before hand at the Bank; or a close subscription with a few individuals. Against the first mode he had very strong objections; he had been the object of so much abuse, obloquy, calumny, and misrepresentation last year, for the distribution of the loan, that he could not think without trembling of exposing himself to a repetition of such unmerited treatment, by making the loan this year in the same manner. Gentlemen had thought proper to say, that by the distribution of last year he had made himself friends; but the fact was, that for one friend he had made, he had raised up twenty enemies: for those who had made offers wrote for such large sums, that it was impossible to give them even a tenth part of what they asked; and therefore even those who had got some scrip, were so dissatisfied at having got so much less than they had asked, that they never thought of thanking him for what they had got, but felt resentment for what they had not got. If last year he made enemies, he must have made many more indeed this year; for the number of persons who had applied to him was double that of the last. Towards the last loan, 1145 persons had applied for scrip; for a share in the present, 2469 had made applications; and they made offers to the amount of 73,290,000*l.* However, he was very

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clear, that in the list there were names of persons who had never been creditors in the whole course of their lives, though he did not doubt but they had many creditors: he was nevertheless very well satisfied, that three-fourths of those who applied were solvent men, and able to make good their bargain, not for all they asked, but for all they might get; but if he had accepted their offers, how was he to have made the distribution? If he was to make it of himself, it might be hazardous, as he could not be supposed to be acquainted, of his own knowledge, with the circumstances of all. If he should take the opinion of a friend, then it would be said that the friend had the distribution of the loan, and acted from partiality; and, indeed, if he should not apply to a friend on the occasion, he knew it would be said he had; and therefore he had resolved not to take upon himself by any means, or in any shape, the distribution of the loan, that he might thereby avoid the obloquy, misrepresentation, and calumny, that had been heaped upon him last year, when he was said to have given the loan among his friends in parliament. With respect to members of parliament, he observed *en passant*, that a member of parliament, merely as such, ought not to have a preference; on the other hand, he ought not, as a member of parliament, to be excluded from serving himself and his country, by lending his money to the public. When money was to be borrowed, it was to be taken from every quarter where it could be found.

The second mode of making loans by open subscriptions at the Bank, with a deposit of money, was, in his lordship's opinion, better calculated for the time of peace than for war; for if in peace-time there was a less bonus, so there was a less risk: but in war there was great risk, and it was rather odd to call upon men to make deposits before hand to purchase danger. He admitted, however, that it might be used as a proper instrument to curb and check extravagant demands of those who, in a close subscription, should endeavour to avail themselves of the distresses of the public, and insist upon exorbitant interests and douceurs. The third mode, or close subscription, was the mode he had adopted, as it would free him from the calumny he might draw upon himself by the first, and was at the same time free from the inconveniencies of the second. Two proposals had been made to him by two different sets of gentlemen, the one party not knowing of the offers of the other. At the making these proposals were present the governor and deputy-governor of the Bank, and several other gentlemen of eminence in the mercantile world; and they all agreed, that the proposal with which he had closed, was considerably more advantageous to the public than that which he rejected, and more favourable than the bargain of last year, which he owned to be extravagant. The terms which he had accepted, and which he had brought to parliament, were, in his own mind, very preferable. The proposals for the agreement, were;

100*l.* 3 per cent. valued at 54*l.*	54	0	0
50*l.* 4 per cent. valued at 67*l.*	33	10	0
A long annuity of 17*s.* 6*d.* at 15½ purchase, valued at - -	13	11	3
3 lottery tickets for every 1,000*l.* at 13*l.* 2*s.* 6*d.* per ticket, or 18*s.* 9*d.* per cent.	0	18	9
Total	102	0	0

The interest to the lender will be of course 100*l.* 3 per cent.	3	0	0
50*l.* 4 per cent.	2	0	0
Annuity - - -	0	17	6
£.	5	17	6

The House had now heard the terms of the bargain he had made; he thought them good; he thought them infinitely better than those of last year's loan; and he hoped the committee would concur with him in agreeing to them. As to the lottery, he had heard so much of the excessive gambling occasioned by it, that he had turned it in his head how it could be prevented: and he had resolved to give up the whole lottery, rather than countenance such gambling; but recollecting that those who are filled with a spirit of gambling will always find means to indulge in it, and the lottery being of considerable advantage to the public, he thought it would not be improper to let the lottery stand, that thus the private vices of individuals might be made to turn to public utility; but at the same time he would most readily concur in any measure that should be pointed out to check the excesses in gambling occasioned by it; for this purpose he had thought of doubling the sum paid for taking out licences; but he imagined afterwards, that though the number of offices would decrease in consequence of such a measure, still gambling

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would very likely be carried to as great an extent in a few offices as in many. It had occurred also to him to have all policies, and shares of tickets stampt, and to lay on a tax for the stamp; but then he was deterred from that resolution, by recollecting, that in gambling there always is a point of honour which makes one party place confidence in another, and which would defeat the end of such a regulation.

His lordship stated, that the interest on the whole of the supply would amount to 793,125*l.* a year. Gentlemen would consider that this sum was the burthen to be laid on the people, and not the nominal addition to our debt. The national debt was no more than the sum of annuities to be paid. To raise this sum new taxes must be imposed: these taxes must be productive; and as those which he intended to propose were many in number, many of them novel in their nature, and all stood in need of much study to render them clear to the understanding of gentlemen, he hoped they would not take it amiss that he should not proceed with the taxes, till this day se'nnight; and he was the more desirous to crave that delay, as he really had not strength of body, or clearness of understanding, sufficient to adhere to the old practice of giving both the loan and the taxes on the same day. His lordship concluded with moving the several Resolutions.

Mr. *Byng* thought it necessary to say a few words in reply to what the noble lord had said of the obloquy he had experienced last year on account of the distribution of the loan: he did not know whether the noble lord alluded to him, who had brought before the House the consideration of the last year's loan; but whether the noble lord alluded to him or not, he thought the present complaint came with a very awkward grace from his lordship: if all that had been said on that subject had been calumny, why did not the noble lord go into the then proposed inquiry? He then withheld the means of investigating the business, he kept back inquiry, and now complained of the hard treatment he had received. But were there not most shameful facts proved to the House with regard to that loan? It was known, that after the terms were settled, and when it was known to be a good thing, men who were set down for 20,000*l.* had a cypher taken from this sum, and reduced to 2,000*l.*—The terms of the loan just proposed, he admitted, were better than those of last year; and he did not mean to oppose them; but still he must say that the bargain was not fairly made when confined to four persons; he had almost said two; and if he had said to one only, he believed he should not have been far from the truth. To bargain with so few, was injurious to individuals; for those who kept money with bankers, finding that their bankers had no scrip, would draw their money, and place it where they could purchase stock. Last year so many persons without property had subscribed, that seven millions of scrip had been carried to market in one month, to the very great depreciation of the funds. When the noble lord rated the 3 per cent. at 54, he believed he was pretty right; but he could not agree with him that 67 was a fair valuation of the 4 per cent.; for to his knowledge, bargains had actually been made for the opening of the 4 per cent. at 68. He thought that his lordship had, unfairly for the public, omitted to state the discount, which would add 1*l.* 12*s.* 6*d.* to the douceur on the loan.

Mr. *Fox* informed the committee, that the noble lord had undoubtedly this year, through the means of that chastisement which he had received last session, made a better bargain for the public than he did before, yet the bargain was by no means so good as he had endeavoured to make it appear, nor as he might have had. The noble lord had plainly told the committee, that he had two offers, and he had chosen the best, without letting the one party know the offer of the other. Was that a way to deal for the public? Certainly not. He should, instead of keeping it a secret from the two parties that were in treaty, have informed each party what the other proposed, and asked them if they chose to go any lower. If they would not, he should have tried others; and he was confident a better bargain by far was to be made than what was made. At the same time he had reason to believe, that the party who were refused were not treated fairly. They made their offer in short annuities, not knowing that they were disagreeable. He, by nice arithmetical calculations, made it appear, that the bonus was equal to 5*l.* 18*s.* per cent. and said, the noble lord was perfectly right in comparing this loan of his with any other in the present reign; but what sort of a figure would it make when compared with the loans made by the duke of Newcastle in the late war; who, although

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obliged to borrow 43,000,000*l.* never let his loans bear more than one half premium, frequently not more than one quarter, and once there was a discount upon it. The noble lord had mentioned the reason of the last loan bearing a better premium than was expected, to be a tendency to a peace. He should hope the noble lord would explain to the House what offers of peace had been made, and for what reasons they were rejected; as peace was a blessing that this nation most ardently sighed for. He reprobated the having lotteries so frequent; if they must be had, let them be once in two or three years, but that not certainly; then persons will not make a trade of it, as they do at present. The method taken by the noble lord of confining loans to the hands of a few persons, was, he said, the completest manœuvre that could be played off; for under that dark cloak lay all his douceurs to contractors, placemen, members of parliament, &c. and plainly shewed how the majorities on the motions respecting the navy and the American war were procured.—The noble lord's mentioning, that the additional capital was only a mere nominal, and not a real sum, was undoubtedly saying, that not a farthing of it was ever to be paid; and the manner in which the noble lord's administration had gone on, made it appear perfectly so; and, as he had brought us on to the eve of a bankruptcy, it would undoubtedly signify but very little, whether we broke for 100 or for 200 million.

Mr. *Smith*, the banker, gave the House an account of the circumstances of the offer that was made by the second set of gentlemen, the bankers in London having considered the injuries they might sustain from the partial distribution of a loan so extensive as the present, and going all into the hands of a few men of one particular description; and also desiring that the bargain should not, by being thus confined, be extravagant, had met together and determined to make an offer to government. This was a resolution of the bankers in general, and they appointed a committee to negociate the matter with lord North. They waited on him, and another day was appointed, which was Saturday last. When they came to the place, after receiving some necessary information for regulating their offer, they saw the noble lord, and he informed them, that if their offer should be lower than that of the other party, it would be accepted in preference, but if it should only be equal, that then the other party would be preferred. This was an indication of partiality which determined several of the gentlemen to propose withdrawing entirely, without making any offer whatever; for when they saw that there was such a disposition in the noble lord, they could not have any expectation either of fairness or justice in their bargain. Mr. Smith confessed that he was one who was of this opinion. The committee consisted of nine gentlemen, and four of them thought, that after such testimony of what they were to expect, they ought to retire without making any offer whatever. Other gentlemen of that committee, however, men of great respect and experience, were of opinion that they ought to make an offer, not with an intention of procuring the loan, but reducing the terms to an œconomical rate, that the nation might not suffer through an enormous bargain. They did make an offer, but it was not so low as they would have given. He did not go into the room where the noble lord was, because he disapproved of the business; but he was given to understand, that they offered in the room to take the whole, or any part of it, at 2*l.* a premium, and, if it should be higher, to restore the surplus: this also was rejected. He was clearly of opinion, that the bankers, by their conduct on this occasion, had been the means of procuring for the public a good bargain; but they had surely been themselves treated unfairly. The gentlemen to whom the loan was all given, had claims of a nature peculiar to themselves: one of them was distinguished and known by having made a fraudulent contract with the minister, by which the public had been injured to a considerable amount; and it was somewhat curious to see the noble lord make another bargain with a person who had so deceived him. But the case was so; and to this gentleman, among others, the loan was given. Another gentleman was the knight of a shire, who, by such enormous influence as this must give him, could not fail of rooting out the natural family interest in that county. This was a thing surely wrong, and which that House ought not to countenance.

Lord *North* declared, that he had not heard any of the gentlemen say that they were willing to take the loan at 2*l.* premium.

Mr. Alderman *Harley* said, that he was

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the author of the first proposal that was made to government, and accepted. Many complaints had been made of the open subscription of last year; and undoubtedly it turned out that the douceur was great. He had, therefore, proposed to some other gentlemen, to make an offer to government for a private subscription on terms moderate and reasonable to both parties. The offer had been made in January last, and it was simply thus; that they would take seven millions of it at a premium from two to three per cent. leaving it in the minister's power to fill up the remainder, or they would take the whole on the same terms. Now it had been said that the noble lord in the blue ribbon refused to admit the second party of gentlemen to a share in the loan, in case the two offers should be equal. He thought the noble lord was in the right to do so; for surely if the offers were equal, the first who presented themselves for the accommodation of government, had the best title: and he, for one, would not have agreed that they should have been admitted after they had formed the plan, and come with the meritorious claim of being the first to assist government in a critical moment, at a moderate rate. In a former loan, two years ago, Mr. Atkinson, and some other gentlemen, proposed to take three millions of the loan upon themselves; but the minister said, that the offer which they made was not such a one as he could carry to parliament. Upon which he answered, that if the offer was not such as he, the minister, could propose, it was not such as he, a member of parliament, ought to agree to; and saying this, he left his three millions, and the room. On the present occasion they were anxious to assist government on moderate terms, and they had done so. Their offer was accepted because it was the best.

Mr. *Adam Drummond* averred, that there was one of the loans of the duke of Newcastle which bore a douceur of 3 per cent. He was seasonably told of it, and he thought it a very good thing, and determined to have a slice. He applied instantly, for whenever a man wished to procure any of the good things that were going, he must not protract his application; and another gentleman and he got a good comfortable share of it. It was the first loan in which he ever had any concern. After this time, it rose even 1½ per cent. more. He had the clearest recollection of it, for he never forgot things of that kind.

Mr. *Burke* examined the noble lord's pretensions to credit in his bargain. It had been declared, that the benefit of competition was to produce an advantageous bargain. This, however, the noble lord had totally overlooked, and had omitted to take the advantage which was declared to be peculiar to this species of loan; he had kept them asunder, and had taken the lowest without endeavouring to get lower. He remarked of Mr. Alderman Harley and his delicacy in not taking a share in a loan of which he disapproved, that last year he had supported the most enormous loan that was ever brought forward to any parliament. He blamed the conduct of the minister through the whole of this business. The last year he had made an infamous bargain in a bungling manner. He now wished to make a bargain equally advantageous to influence with more safety; and he declared, that parliament ought, if they were wise or honest, to curb a practice, which, above all others, was destructive of their independence.

The question was now put and agreed to.

Petition from the City of London against the American War.] Feb. 27. The sheriffs of London presented at the bar a Petition of the lord mayor, aldermen, and commons of the city of London, in common-council assembled, setting forth, "That the petitioners, in the present state of public affairs, moved by every sentiment that can impress the human mind with regard for the common welfare of this kingdom and its dependencies, are impelled to implore this honourable House to interpose, in such manner as to their wisdom shall seem most effectual, for preventing the continuance of the unfortunate war with America."—Ordered to lie on the table.

Debate in the Commons on the Resolution moved by General Conway against the further Prosecution of Offensive War with America.] General *Conway* rose to renew his attempt to bring the House to agree with him, that, in the present posture of our affairs, it would be inexpedient and improper any longer to prosecute the American war. He desired that the Petition from the cities of London and Bristol might be read: he declared that firm as he was in his opinion on Friday last, of the ne-

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cessity of putting an end to the American war, he had this day been if possible more confirmed; for the first trading city in the world had petitioned against the war, and they undoubtedly were the best judges of its effects. He had several inducements to renew his motion: he would do it from a principle of duty to his country, to his constituents, and to himself; and so deep was the impression which the calamities and disgraces of this unnatural and cruel war had made upon him, that while he had a mind to think, a heart to feel, or a tongue to speak, he never would relax in his endeavours to point out the necessity of putting an end to it. Another inducement was, that the last question, which he had the honour of submitting to the House, had been lost, or as some would call it carried, by so very small a majority; and he had since conversed with so many members, who were absent when that question was discussed, and who had assured him that if they had been present when it was proposed, they would have voted for it, that he could not bring himself to think, that the sense of the House could fairly be said to have been taken on the subject: members had frequently made light of their attendance, but he begged them to reflect that perhaps all the calamities of that war were now to be attributed to the absence of a single member. But these were not his only inducements; he had still another, from which he expected no inconsiderable advantage; two members deservedly of great weight in that House [Mr. Rigby and the Lord Advocate] had, in the late debate on the American war, fairly confessed that they were tired of the war; they had declared themselves converts to the opinion of its impracticability; and had delivered themselves on that subject in a very manly manner: all he regretted was, that they had not followed up their manly declaration with a manly vote for the address. They were now avowed converts; the light had shone upon them, they were thrown down from their high horse of starvation and unconditional submission, but, unlike Paul, after his conversion, they had not become the champions of that people and that cause of which they had been such violent persecutors. Their conduct appeared to him perfectly inexplicable: and if he might borrow an image from the sacred text, he might say that they and others had received the gift of tongues; cloven tongues had fallen upon them; not tongues of truth and sincerity, but double tongues; they had one tongue for parliament, and another for private companies; with the one they condemned the American war, and with the other, they voted against every proposition that had a tendency to put an end to it: the world would judge of the consistency of such conduct, and their own honour would tell them how unworthy it was of them. He was sorry to say that these two members were not the only two who were gifted with these cloven tongues: he had dined in company with an honest plain soldier a few days ago, who observed, that he never had been more astonished than at hearing many members of parliament most heartily condemn in coffee-houses, the very same measures for which he had seen them the most strenuous advocates in parliament: whether it was a matter of astonishment or not, it was an undoubted fact, that the representation of the old officer was founded in truth; and that there were but too many persons within those walls, who could bear witness to it. Upon all those, who spoke thus with double tongues, he called to reflect upon the calamities which, by their conduct they would be instrumental in heaping upon their country; and he hoped that all sense of honour and patriotism was not completely extinguished in their breasts, but that they must be roused to a total dereliction of those principles, upon which they had hitherto enabled ministers to undo their country.

To the motion, which he had the honour to submit on Friday last, he understood there were two objections; and as they might perhaps be made with equal propriety against the motion which he intended to make at the end of his speech, he would endeavour, as well as he could, to remove them. One objection was, that it was unconstitutional in that House to interfere with its advice in those things, which specially and indisputably belonged to the executive power. This was a position, which none could have been hardy enough to have made, if they had been at all versed in the history of parliament. Ministers could not find time enough to look into the Journals of the House; they confined their study entirely to one book; and in the contents of it, they were certainly well versed; the book he alluded to was the Red Book; it was in that they found the greatest comfort, amusement, and assistance; it was there they found the calendar of their saints, whose patronage they experienced on all occasions: but if

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they could have spared a small portion of their time for the reading of the Journals, they would have found that the objection which had been made to his motion, as if it militated against the principles of the constitution, was founded in falsehood; for it appeared from the Journals, that from the days of Edward 3 down to the present reign, parliament had at all times given advice to the crown, in matters relating to war and peace. In the reign of Richard the 2nd, it had been frequently done; and also in that of Henry the 4th. There was one remarkable instance of this in the reign of Henry the 7th; that prince consulted his parliament respecting the propriety of supporting the duke of Brittany against France; and also of declaring war against the latter; and he told his parliament that it was for no other purpose than to hear their advice on these heads, that he called them together. In the reign of James the 1st, the parliament interfered repeatedly with their advice respecting the palatinate, the match with Spain, and a declaration of war against that power. In the days of Charles the 1st there were similar interferences; in the reign of his son, Charles the 2nd, the parliament made repeated remonstrances, but particularly in 1674 and 1675, on the subject of the alliance with France, which they urged to be renounced; and recommended a strict union with the United Provinces: it was true, that to these remonstrances, they had received answers which were by no means pleasing or satisfactory; they were told that they were exceeding the line of their duty, and encroaching upon the prerogative of the crown: but so little did the Commons of that day relish those answers, that they addressed the king to know who it was that had advised his majesty to make such answers to their loyal and constitutional remonstrances? In the reign of king William, repeated instances were to be found in the Journals, of advice given by parliament relative to the Irish war, and the war on the continent: the like occurred frequently in the reign of queen Anne; and one address, in particular, advised the queen not to make peace with France, until Spain should be secured to Austria; nay, it went so far as to advise her majesty not to consent to peace until Dunkirk should be demolished.

Against such a torrent of precedents, he asked, who could contend? A man must fly in the face of common sense and conviction, who could, after hearing them, continue to say that the motion which he had submitted to the House on Friday, was in its nature unparliamentary and unconstitutional. He would take it then for granted, for he would not insult the House with a doubt on the subject, that he had removed the objection that had been made to his motion on this ground; he had proved it to be constitutional. He would next endeavour to satisfy the minds of those gentlemen who had urged this other objection to it—that it was obscurely and indistinctly worded. The motion went to advise his Majesty to order his ministers to renounce the war on the continent of America, for the impracticable object of reducing the colonies by force. The object of the motion was, in his mind, very clearly expressed; it was to give up the idea of conquest, and consequently, of an offensive war; but here the ingenuity of some gentlemen had been exerted to render the meaning of the words offensive war unintelligible. For his part, without deriving, or at least wishing to derive, any knowledge from his profession, but judging merely as a private man, he knew very distinctly the meaning of these words; an offensive war, was a war in which attempts were made by an army, to possess themselves of what they had not before; a defensive war was that in which they confined all their exertions to defend that, of which they were already in possession. Upon this principle, could any one mistake the real meaning of his motion? He had not said a syllable of withdrawing our troops from the places which they actually held; he had not advised any such measure; and he would not advise it; perhaps he would rather condemn it. But, then, while he admitted that it would be proper to keep the posts we now have in America, it might be said to him, "You are a friend to posts: surely, then, you could have no objection to our shifting our posts, if we could find others more advantageous than those which we already hold." But his answer to this would be, "No, you must not change your posts; for then you act offensively, by taking places which you did not before hold; and this kind of war is condemned by the motion." He might next be asked, what kind of war could be carried on from these posts? His answer would be—no kind of war whatever, except for self-defence; such a war as general Elliot wages at Gibraltar; and such a war as general Murray, it was said, had lately waged at Fort

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St. Philip, where, by a spirited and well-timed sally, the works of the enemy nearest the place had been destroyed: this kind of war, and this only, would be permitted under the motion: any other kind of war in America he must, in the present situation of our affairs, condemn: the changing of posts would subject us to enormous expences; we should be obliged to take the field; to provide baggage waggons, sick waggons, pontons, intrenching tools, and a thousand other things, which would subject us to the same expence, as the field operations which we had hitherto carried on without advantage, but to the loss of our armies, our treasures, and the best blood of the nation. The species of war which he would think allowable, might be understood by a man of the plainest sense, without going to M. Guibert's Military Principles, or the Reveries of marshal Saxe. He wished that there were not reveries among our ministers; the pleasing dreams slipt from the ivory gate, seized their fancies, and playing before their imaginations, kept them insensible to the real interests of their country, as if they were of another country.

Such were his answers to the objections stated to his motion: such his sentiments with respect to the manner in which the troops in America should be ordered to act. He adverted to what had fallen from Mr. Secretary Ellis, on the former debate, that this cursed war was not now to be considered as an American, but as a French war. If it was a French war, undoubtedly we were doing a most impolitic thing, for we were fighting France at arm's length, as she could, with 5,000 troops that did not cost her more than 40*l.* a man a-year, maintain the war against us with 78,000 men, at 100*l.* a man. There appeared to him a fourth kind of war, at which nature shuddered, he meant an Indian war; for he was well assured that a new place had been appointed, which he could scarce think, in times like the present, was meant as a sinecure, that was, Inspector of Indian affairs. In the name of God what could be the motive of ministers, that they wished to drive every spark of love, every tie of the Americans, whom he would still call brethren, (for so they certainly were) from us? Did we suppose that by the infernal plan of desolation, of burning, ravaging, slaughtering, and ravishing of these oppressed people, we could ever make them love us? Certainly not, they undoubtedly felt the calamities of war, and would wish for peace; but could any man think that a nation, once famed for its honour and humanity, could so far lose sight of itself, as to employ savages to butcher innocent, inoffensive men! No, it was a conduct of that kind that had made us, not as a noble lord (Mulgrave) had mentioned in a former debate, the glory and envy of every other nation, but the ridicule and contempt of every power upon earth: this he did not speak merely on his own opinion, but on those of gentlemen who had lately travelled, and heard the sentiments of others. An hon. gentleman (sir H. Mann) in last Friday's debate had declared, that lately on the continent he had been in company, where it was asked what country he was; and on being told an Englishman, they all sneered and turned up their noses; but afterwards, in another company, it was whispered he was an American, and he was caressed by every one. Such was the opinion formed of us, owing to our despicable measures. The Americans, he had been credibly informed, wished for a peace, and would willingly treat for one, could they put any dependence in the faith of ministers: but was it possible for any people to be weak enough to trust to men that were continually shifting their ground, as our present ministers were, calling the war one day a war of posts, another a defensive war, and at last a French American war? He would not contend about mere words; for a rose, to be sure, called by any other name, "would smell as sweet" as if called by its proper name; and on that head he would let them have the fragrant smell of the word American. But he could not sit down without saying a few words by way of pointing out the necessity of coming to a speedy determination, lest by delaying, we should lose the opportunity of making a peace. Every gentleman knew what burthens had been heaped upon the public, and how very near we were to see our resources exhausted in the pursuit of an object which constantly fled from us, and which we never could attain; by this wild pursuit we weakened ourselves, and became unable to resist the dreadful danger that was hanging over us. At this very moment, while he was speaking, he was afraid that a dreadful blow was preparing against some vital part of the empire; for he was given to understand that a fleet of 40 sail of the line, partly French and partly Spanish, had lately put to sea, for

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the purpose of some great expedition, from which we had every thing to dread. The state of those powers who composed the armed neutrality, furnished us also with subject of the greatest apprehension: our resources in men and money were nearly exhausted; the best blood in the country had been spilt, and still our infatuated ministry pursued the war, without even a shadow of hope that success would attend the pursuit. How many more human sacrifices did those ministers look for? How many more human victims were to be offered up to those demi-gods? Nothing could satiate them; nothing could preserve the empire from that ruin into which they were now plunging it, but a vote of that House. He had drawn up a motion, the very same in substance with that which had been already rejected; but differing in terms, in compliance with the rules of parliament; the first motion was for an address to the crown; the motion which he intended to make this day, was in the shape of a resolution. He reminded gentlemen that now was the time to attend to their duty: the fate of the last question was determined by a single vote; and though it might be thought that one vote was not of any great consequence, yet it appeared, by the last division, that a single vote was of the greatest importance, and no one who wished well to his country would be absent on the present occasion; for to be absent would be in substance little short of treachery to the interest of the kingdom. He concluded, by moving the following Resolution: "That it is the opinion of this House, that the farther prosecution of offensive war on the continent of North America, for the purpose of reducing the revolted colonies to obedience by force, will be the means of weakening the efforts of this country against her European enemies; tends, under the present circumstances, dangerously to increase the mutual enmity, so fatal to the interests both of Great Britain and America; and, by preventing an happy reconciliation with that country, to frustrate the earnest desire graciously expressed by his Majesty to restore the blessings of public tranquillity."

Viscount *Althorpe* seconded the motion from a thorough conviction, he said, that it was just, and conformable to the wishes of the people at large, who, wherever he went, were exclaiming against the American war. He had listened with great attention during the debate of Friday last, and was astonished to hear it said, "You must make war to gain peace: you must make the Americans feel the calamities of war, to wish for peace." Would any man say they had not felt the calamities of war; or would any man say, that we ourselves had not felt the calamities of war? If they did, he must differ widely in opinion from them; for, was the burning of towns, and spreading desolation wherever we went, not making the Americans feel the calamities of war in the utmost degree? Certainly it was; and the vast burthen and increase of our taxes, was severely felt at home; besides, our army in America was not only an useless army, but was a means of our navy being neglected, for the men that were raised and sent to be slaughtered there, would have been of infinite service, if employed as marines, or by becoming sailors.

Sir *Charles Bunbury* said, that he had formerly declared against the independence of America, though he had never concurred in the carrying on the war, because he had thought it impracticable. He understood that a right hon. gentleman had spoken out in a very manly tone with regard to the American war; a happy breeze had wafted those favourable omens to the gallery, which, by the hand of some careful reporter, were delivered to the world. As their difference of opinion had not merely separated him hitherto from that right hon. gentleman within, but also without doors, he trusted that the present happy change of his sentiments would put an end to their separation. He declared he knew the country had suffered much by the American war; his noble kinsman, however, had given the best evidence with regard to his disrelish of war, by his agreement to the terms of sending out commissioners for the purpose of procuring peace. Sir Charles said, his sensibility was strong, which prevented him from speaking in public, and made him but seldom trespass on their attention; he sincerely wished, that he could but transfer some part of that sensibility to his Majesty's ministers, and teach them to feel those sufferings, which their conduct had brought on the country. He was, he acknowledged, much better calculated for a man of pleasure than politics; but his property in the West Indies compelled him to attend to those islands, however disagreeable and uncongenial to his disposition the study might be. Bending under weights like those at present inflicted on

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the nation, and palliating them by the voice of a majority, he declared was like soothing a delicate man, and making him bear up against the brawny arm of a coal-heaver. "The ravages of war were injurious to the feelings of humanity, which sighed at them." These were not, he said, the expressions of a recluse philosopher, they were the words of the celebrated Paul Jones, and did honour to his humanity. He had lately heard men wish to prevent gambling; he was very happy that his noble friend had taken some pains to hinder the lower order of people from practising that pernicious vice; he knew the higher order of people could and would break through all preventions, but he could not help wishing that an entire suppression of lotteries might take place, because he was convinced they were exceedingly injurious to morality. It was not, however, in framing or suppressing lotteries, he liked to see his lordship engaged, many good lessons might be obtained in other places; he had seen a noble duke and a noble marquis, his lordship's predecessors, on the course at Newmarket, where he could likewise wish to see his lordship. [Here he was called to order.] He immediately declared he was speaking to order, and should come to the question presently. Had the noble lord been used to that amusement, to which he had just alluded, he might there have learned some good lessons, in the same manner as children are taught geography from toys, made out of maps cut into pieces. The noble duke had learned at Newmarket, never to be over-matched: and the noble marquis, when he found himself entered in a bad match there, always thought it best to pay forfeit. He wished to address himself to the gentlemen of Lincoln, he did not mean the members for the county, or those for any particular part of it; he only intended to address himself to such, as had formerly, from conscience, supported this accursed American war; that war had originally commenced in the extremities, but it had now pervaded to the heart. They now felt that their long wool had become non-productive, the export of which was all the effect which it could or would produce.

Mr. *T. Pitt* said, that he did not rise to enumerate the many urgent and forcible arguments that were urged the former night in support of this motion; because they had never been contradicted; he delivered it as his opinion, that if the ingenuity of gentlemen on the other side had not been exerted to puzzle and perplex the meaning of the motion made on Friday last, it would have been carried unanimously, or at least by so very considerable a majority, that it would have approached very near to unanimity. He thought it necessary to say, that he was not a factious man; it was well known that he belonged to no party; and that he never would give a vote for either side, unless when he thought the good of his country called for it: in the last debate on the subject of the address, it had been urged that the object of the address was to recall the troops from America; but it had no such object; if it had, he certainly would have voted against it; for he was not yet ripe to say that our troops ought to be recalled: nor would he vote for that address, or for the present motion, if he thought that in voting for them, he exceeded the line which the constitution had pointed out for parliament to pursue. He would not encroach upon the executive power, because, without documents before him, he could not tell what orders ought to be given; he would not pledge parliament to any measure which should take from ministers the responsibility annexed to their offices: they knew best what to do, they knew the real sense of the parliament and the nation; and they knew their resources: it was therefore their business to devise plans either for war or peace, and carry them into execution at their own peril. At present the war in America prevented us from acting against France: it crippled all our exertions; and therefore he thought it his duty to vote for a resolution, which held out a prospect of a peace, that would enable us the more effectually to carry on the war against our ancient and natural enemies; and he made no doubt but the sense of the nation would be expressed and re-echoed by the decision of the present question, in the carrying of which he hoped to see something bordering very much on unanimity.

Mr. Alderman *Newnham* expressed his hearty assent to the motion, because he hoped it would put an end to a detested and ruinous war, in the reprobation of which there was but one voice in the nation. For his own part, he was sorry that he happened to have been deprived of the pleasure of expressing by vote on Friday last, his abhorrence of that war, and his earnest wish to see it terminated;

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if he thought so desirable an object had been lost through his absence, he should deservedly lose the good opinion of his constituents; nay, he would undoubtedly have lost his good opinion of himself; as to the question then before the House, he thought it proper to assure gentlemen that nothing would be more acceptable to the city, than to hear that the House had agreed to it: this might appear sufficiently from the petition that had been read; all that remained for him to say was, that it had passed without a dissentient voice, and if he had not known it sufficiently before, he should have been convinced of it last Saturday, for every man that he met looked upon him with a gloomy face, and seemed to charge him with the continuance of the war. He would undertake to pledge himself in the name of his constituents, that if ministers would make peace with America, and turn the arms of this country against the old and natural enemies of Great Britain, there was no support which they might not expect to receive from the city of London, with the utmost cheerfulness.

Sir *Horace Mann* said, that from principle he had supported the American war, under the idea that it was just and practicable: experience, however, had convinced him, that the object we had set out with was unattainable: his eyes were now open, and he saw that it would be madness to pursue it any longer: it was therefore the best thing that could be done, in our present situation, to put an end to a war, as speedily as possible, which, if not soon terminated, would put an end to our political existence. With these sentiments, therefore, he must proclaim his conversion, and seal it, by voting for the motion.

The question was now loudly called for, and no one rising to speak to it, the Speaker ordered the strangers in the gallery to withdraw, and was beginning to read the motion, when at last he was interrupted by

Lord *North*, who rose to oppose it. His lordship expressed some little surprise at hearing gentlemen call for the question so very soon, and begged that they would moderate their ardour until he should have delivered his sentiments on the subject. If the object of the motion was peace, and an ardent desire to put an end to the war could produce that wished-for blessing, he made no doubt but unanimity would convey one general sense of the House on that subject. For his part, he would readily confess that peace was the object nearest his heart; the question with him was only how can peace be procured? There were two things to be considered with respect to the war, which he and every man felt to be calamitous and burthensome; or rather the war was to be considered in two points of view, the war in America, and the war with America. It was only one of these two objects, that gentlemen seemed to desirous to attain: for, from all that he had heard, no one member had yet ventured to assert, that the troops ought to be withdrawn from America. The end of the war was, indeed, what all parties looked to; but how was this to be brought about? He knew only of two means; by peace, or by withdrawing our troops: the latter was a measure, which so far from having been recommended by any one gentleman, seemed to be completely condemned by all: and how was the former practicable? Could we make peace when we pleased? or was the mode proposed by the motion the most likely to effect a peace? His objection to the motion did not arise from a want of sincere wishes for peace; but from an idea that the motion was more likely to retard than accelerate so desirable an event. No one had suggested any grounds on which peace could be made; on the contrary, the only mode that seemed to have been pointed out to make hostilities cease, was a total dereliction of the war. But here a difficulty started: how could the House be convinced, that peace was the wish of ministers; was it by seeing that they withdrew the troops? No; for this was a measure that all condemned. Then there was but one other way of convincing the House, that ministers did not intend to carry on the war, as it had hitherto been conducted; and that was, that no army had been, or would be sent out to replace that which had been lost; and that no more troops would be sent out to America, except such recruits as might be necessary to keep up our garrisons: if that could be deemed a pledge and satisfaction to the House, he was ready to give it; but if they suspected the sincerity, ability, or integrity of the servants of the crown, it was not by such a motion as the present that the House ought to express their backwardness to trust them any longer with the management of public affairs: they ought to address the crown to remove those ministers, in whom they could not place confidence, and to appoint others in

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whom they could confide. A minister ought not to be a minister after he was suspected; he should be like Cæsar's wife, not only free from guilt, but even from suspicion. If the House should withdraw their confidence from him, it would be his duty, without waiting for an address for his removal, to wait upon his sovereign, and, delivering up to him the seal of his office, say to him, "Sir, I have long served you with diligence, with zeal, and with fidelity; but success has not crowned my endeavours; your parliament have withdrawn from me their confidence; and all my declarations to them are suspected; therefore, Sir, let me resign to you those employments, which I ought not to keep longer than I can be serviceable to your Majesty and your subjects; and beg you will bestow them upon some other, who with greater success, though not with greater zeal or fidelity, may give more satisfaction to your Majesty and your parliament."

If the House should not trust to his declarations, he desired them, in the name of God, to find out some better security; and when they should have found it, he wished they would prefer it to any declaration of any minister; if they were determined to take upon themselves to prescribe in what manner the war should be pursued, let them declare it; but let them at the same time, deliver their orders, which no doubt they would and ought to expect to have obeyed in such clear terms, that ministers might be able to know, for certain, when they were obeying them, or when they were swerving from them. The late motion for an address was certainly not of that nature, for it would have been impossible for any minister to have known how to obey it.

As to peace itself, there were difficulties in the way greater perhaps than gentlemen were aware of. Who would say that America could make peace? If it was true that France paid, fed, and clothed her troops, could she be said to be free to make peace when she pleased? Under the British constitution she enjoyed blessings and advantages, many of them greater than even Englishmen enjoyed at home: for this reason he had presumed, that for the vain and empty name of independence, she would not have sacrificed the benefits she enjoyed: he had always said, that the separation of America from Great Britain would be a heavy loss to the latter: but that it would be a grievous misfortune to the former: his saying would be verified, if, as he had observed before, her independence should be a mere name or empty sound; if, as there was reason to believe, she had only changed masters; and that she had only changed masters was to be presumed; because it could not be supposed that France was a knight errant for liberty, and that too at an immense expence. But still, if peace was to be made, and America free to enter into a treaty, was a public declaration that we would not act in any one given case against her, the means of procuring the best terms? Certainly not; on the contrary, it would produce the opposite effect. But if France was to be reduced before America could treat, then he would contend, in opposition to the motion, that nothing could tend more to weaken our efforts against our inveterate European enemies, than to keep our army in America, with their swords tied up by this declaration. Gentlemen all agreed that the troops should not be withdrawn: if then they kept them in America inactive, did they not by inference say to the French, attack us where you please, you may be always sure that our forces in America shall not act against you or your allies? This would be weakening our efforts; this would be subjecting the nation to an enormous expence without any possible return.

He did not wish to make declarations in that House, because he did not think he was speaking to that House alone; he was speaking to America, to Holland, to France, to Spain, and to all the world: it would not therefore be proper for him to explain himself, any more than for the House to speak plain on so delicate a subject: it would not be proper for him to say what orders might be given, what alliances were in agitation, or on what conditions peace might be eventually obtained; for then France might say to America, you are sure at all events of peace; I have held out for your success, do you now hold out a little while for mine. The House would, in a variety of circumstances, have opportunities to interfere in any negociation for peace; for in some points, no minister would dare to treat of peace without the authority of parliament; in some others, the will of ministers would be ineffectual towards peace, without the assistance of parliament. The Bill for shutting the ports of America would stand in the way even of a truce, for though ministers might proclaim a truce by land, be-

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tween the land forces; yet while that Bill existed, which confiscated all American property in ships, no truce could be made at sea: parliament of course must be called upon on such an occasion.

He admitted the motion to be perfectly constitutional; it was its expediency he combated: if ministers were sincere in their propositions, that no troops should be sent to America, a very little time would demonstrate it: but if they should prove insincere, then the present motion, if withdrawn at present, or even negatived, might be renewed, and with propriety; he therefore wished that it might be delayed, in order to give ministers a trial. He wished to speak fairly, and to be understood; and yet he found that it was his misfortune always to be misunderstood or misrepresented; for he had read in some publications, if the hon. member who made the motion would believe that he read any thing, other than the Red Book; he had read in the records of modern history (the news-papers) of lord North's war of posts, when in fact a war of posts was what had never occurred to him; and though he had used the words, yet it was by way of condemning the idea: however, people were good-naturedly pleased to ascribe to him a desire to support such, which was incompatible with the interest of the country.

The hon. member had mentioned cloven tongues, and said, that those members who supported him in parliament condemned in coffee-houses the very measures for which they voted in that House. He did not believe that the hon. member was rightly informed respecting the coffee-house conversations; at least, for his own part, he wished not for such friends; nor did he believe there were among his friends, with whose support his administration had been honoured, such double-tongued senators: it had ever been his wish to stand upon the merits of his cause; he wished to do so this night; and therefore he called upon them to oblige him only by voting according to the dictates of their own judgment, and totally to lose sight of every personal consideration to him: the removal of ministers was no punishment; the king had a right to admit and dismiss from his councils whomever he pleased: and he might, without assigning any cause, or without fixing any guilt upon the person, recall that confidence which he had been graciously pleased to bestow upon any one of his servants: he thanked God that mere disgrace in a ministerial sense was no crime; and as the constitution had given to the King a power to dismiss his servants at pleasure, so it took care that the dismission did not render them criminal, because no one in the eye of the law, can be pronounced criminal without trial.

Mr. Attorney General *Wallace* gave it as his opinion, that in the present circumstances nothing but a peace with America could restore this country to its former state of splendor and respect; but he did not think that the motion on the table was calculated to produce that desirable object; for there were many obstacles to be removed before it was possible for that House to expect to bring the Americans to treat with them. The restrictions in the Prohibitory Acts must first be removed: the ports of this country must be opened for the trade of the Americans: the prohibition against the Americans, with respect to trading to foreign ports, must also be taken off; and, in short, there were many preliminaries to be settled, which in the raging season of war, when the passions of the two people were irritated by hostilities, could not, in his opinion, be adjusted well, if they could be adjusted at all. It was only by a truce that they could expect to accomplish the object which they all seemed to have in view, and which was indeed become so necessary. By a truce with America the old intimacy between the two people would be renewed; the ships of America would fill our ports—our ships would fill theirs; commerce would return to its old channels; affections would be renewed, and a disposition created favourable to a peace, founded on commercial treaties, in which we might be enabled to enjoy something more substantial than the name of supremacy without the power, and America might enjoy all the blessing of independence, consistent with her old connection with Britain. The learned gentleman urged by various arguments the necessity of a truce, and said that he had prepared a motion for leave to bring in a Bill to enable his Majesty's ministers to treat on this ground; for without the authority of parliament, while those Acts remained in force, which he had mentioned, they could not treat with the Americans on this ground. In order, therefore, that the House might have an opportunity to come to this important motion, on which a moment should not be lost, he would

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move, "That the debate be adjourned till this day fortnight."

Mr. *William Pitt* spoke with his usual ability in answer to the noble lord and the learned gentleman. He said, that from what they had said, if there had been before a number of gentlemen inclined to vote against the motion proposed by the right hon. general, he did not believe that there would now be one left unconvinced of the propriety and necessity of that motion. For what had they done? After a great deal of argument needlessly introduced as a preliminary to what was to follow, they had moved for adjourning the present question, in order to bring on one for a truce, thereby hoping to convert a few from their determined purpose, into a delusive vote, which, like all their former promises, would end in deception and disappointment. The minister had said, that unless parliament doubted the sincerity of ministers, in the professions which they had given of their inclinations to listen to any terms of accommodation that should come to them, and to which this country could agree, they ought not to tie them down by the resolutions proposed. In answer to this, he must say, that the House could not, with either respect to duty or prudence, place confidence in his Majesty's ministers. Was there a promise they had not falsified? Was there a plan in which they had agreed? Did any two ministers that sat on the Treasury bench, agree in any one specific doctrine that they ever broached? No, there was an incessant variation: a shuffling and trifling pervaded their whole conduct, in which parliament could have no trust. The hon. gentleman reviewed their conduct during the present session, pointed out how inexplicable they had been, and shewed, that the House had neither confidence in their professions, nor in the measures which they had taken. The motion of the right hon. general was alone that on which the House could depend, as on the full, explicit declaration of that House they would have no changing nor shuffling to apprehend. He enforced it by strong and elegant arguments.

Mr. *Dunning* made an admirable commentary on the speech of lord North, in which he searched, exposed, and ridiculed the arguments of the noble lord, as the most absurd and unintelligible he had ever heard; it was very singular that the noble lord, after making propositions of his particular desire to be explicit, should have entertained the House with such an incomprehensible harangue; of which he could only say that he did not understand a syllable. The noble lord had said that he was superior to duplicity, perhaps so, and he had taken a curious means of preserving himself from the imputation of duplicity. Duplicity was charged to the man who first said one thing, and afterwards endeavoured to give another meaning to it; but surely he could not be charged with speaking double, who had not said either one thing or another! With respect to the truce proposed by the learned gentleman, it had been done in such a way, he had risen with such unusual eagerness and anxiety to propose this new plan, that he could not help viewing it as a miserable stratagem, to bring over, at the most, three or four undetermined votes, who might be willing to support ministry if they would, in any shape, agree to get rid of the American war. He argued with great earnestness for the necessity of coming to the motion made by the right hon. general. It was temperate, it was conclusive, and by this the House would secure themselves and their country against the consequences of that shuffling system which no promises could bind, nor experience reform.

The *Lord Advocate* replied to the remark which had fallen from general Conway with respect to his conversion, and to his holding a different language in the House and out of it; he assured the right hon. general, that he never did, out of that House, speak of politics, if he could avoid it, at least he was sure, that he never spoke with a double tongue. He then went into a warm defence of the measure proposed by the learned gentleman. It was the best, the most moderate, and the only method which the House, in the present circumstances, could take, to agree to the temperate plan suggested by that learned gentleman for bringing back America to her former habits of intimacy with this country.

Mr. *Fox* spoke next, chiefly in answer to what had come from the noble lord in the blue ribbon, and in a few minutes set the matter in issue in a most clear and forcible point of view. He urged, with the most powerful arguments, the propriety of the motion made by the hon. general, and exposed the paltry stratagems to which ministers were reduced, in the last moments perhaps of their existence, to gain a short week, or a day of breath.

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The *Solicitor General* contended, that the motion of the Attorney General was the most likely means of bringing about what was the general desire of the House.

Mr. *Hill* compared the ministry to Don Quixote, the American war to Dulcinea del Toboso, the new secretary to Sancha Pancha, or rather, he said, he would call him the old Rosinante, on which Don Quixote would ride in order to fight the windmill. He said, that next to peace with heaven, peace with America was to be wished, and that the yearnings of every true Englishman's bowels over our revolted colonies, were but faintly set forth by the yearnings of David's bowels over his revolted son Absalom. He hoped the House would imitate the example of queen Esther, who presented an address to king Ahasuerus for the life of her people, whilst the wicked minister Haman, who had counselled their destruction, was hanged on a gibbet 50 cubits high. The House laughing; he said, if they laughed at the quotation he had brought from scripture, he hoped it was unnecessary to make any apology for mentioning so obsolete a book as the Bible, as he was pretty confident that book took up but a very little of the time and attention of that honourable House, and could not help wishing it took up much more; but if they supposed he meant to reflect on the noble lord in the blue ribbon, from what he had said, he assured them he had a favourable opinion of him, wished him well, and hoped never to give a vote against him again, because he flattered himself, the noble lord would, from henceforth, adopt such measures as he could vote for with a safe conscience; but if he put the noble lord in one scale, and peace with America in the other, the latter would certainly preponderate; and the noble lord (though not a make-weight) would kick the beam. He said, he always wished to support government, for he owned he was educated in Tory principles; but he could not support the present system. He concluded, with adding, that when he ceased to vote as he thought right, he trusted his constituents would think it right to vote him out of that House.

Sir *W. Dolben* said, on Friday last he had voted for the motion, and as he intended this evening to vote against it, although the two were in substance and almost literally the same, he should give his reasons to the House for so doing. The Attorney General had, in the course of his speech, mentioned an intention of bringing in a Bill for a truce with America, which, in his opinion, was by far the best mode offered, he should therefore be for rejecting the present question, and for adopting that proposed.

Mr. *T. Townshend* arraigned, with the utmost severity, the inconsistency of the hon. baronet, who, in the course of a few days, gave two different votes on the same question, although there had not been the least change in affairs to warrant such conduct. He desired him, when he laid down on his pillow, to put his hand to his heart to examine his conscience, and ask himself if he was a consistent man.

Mr. *Powys* spoke with feeling and lamentation at the conduct of sir W. Dolben; as a friend he must regret, but as a member of parliament he must abhor his behaviour; he had a great esteem for his character; but how he could look his constituents, how he could look that House, or how he could look his country in the face, he was at a loss to know.

Sir *Fletcher Norton* spoke also with astonishment at sir W. Dolben's conduct; he demonstrated to the House that the question on Friday evening, and that of this night, were exactly the same in nature, and no change of affairs could warrant any alteration of sentiment with respect to the motion; for a truce, as proposed by the learned gentleman, by no means precluded the hon. baronet from giving his assent to this motion, as in fact this question was a preliminary to a truce, or, to what was much more substantial than a truce, to a conclusive peace.

Mr. *Sheridan*, in a most admirable piece of satire, ridiculed the strange conduct of a man who was the representative of one of our universities, and who from his erudition and character, was supposed to have an influence on country gentlemen. He reprobated the paltry subterfuge of ministers, in their expressing a wish for a truce, and was confident that every thinking man in the House would see through it, and not be led into the snare artfully laid for them.

Sir *Gilbert Elliot* declared, that he now plainly saw that the nation, the House of Commons, and the ministers, had been for a long time in the wrong; and he could no longer, with justice to his constituents, support their measures. Why gentlemen should make a distinction between the motion as proposed by the hon. general, and that mentioned by the Attorney Ge-

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neral, he could not see, for certainly they both went to one and the same point; he should, therefore, give his hearty assent to the present motion.

Mr. *Rosewarne* said, he thought the motion proposed by the learned gentleman was so fair and so candid, that he must wish the present motion was postponed for at least a fortnight, when it might be again resumed, if the other was not approved of.

General *Conway* rose, and answered every objection that had been started to his motion; he considered the paltry subterfuge, as proposed by the Attorney General, to be the desperate attempt of a tottering ministry, and the happy forerunner of their speedy annihilation.

Mr. *Rolle* spoke in favour of general Conway's motion, and thought the two questions were so connected with each other, that every honest man ought to vote for both.

At half past one o'clock the House divided on the Attorney General's motion for adjournment:

Tellers,

Yeas	Mr. Adam Mr. John Robinson		215
Noes	Lord Maitland Mr. Byng		234

Majority against Ministers—19. The original question was then put, and carried without a division.

The minister being thus left in a minority, general Conway followed up his first motion with another: "That an humble Address be presented to his Majesty, most humbly to represent to his Majesty, that the farther prosecution of offensive war on the continent of North America, for the purpose of reducing the revolted colonies to obedience by force, will be the means of weakening the efforts of this country against her European enemies, tends, under the present circumstances, dangerously to increase the mutual enmity so fatal to the interests both of Great Britain and America; and, by preventing an happy reconciliation with that country, to frustrate the earnest desire graciously expressed by his Majesty to restore the blessings of public tranquillity." This motion was agreed to without a division.

Resolved, That the said Address be presented to his Majesty by the whole House.

March 4. The Speaker reported to the House, that the House had attended his Majesty with their Address, to which he had been pleased to return the following Answer:

"Gentlemen of the House of Commons;

"There are no objects nearer to my heart than the ease, happiness, and prosperity of my people. You may be assured, that, in pursuance of your advice, I shall take such measures as shall appear to me to be most conducive to the restoration of harmony between Great Britain and the revolted colonies, so essential to the prosperity of both; and that my efforts shall be directed in the most effectual manner against our European enemies, until such a peace can be obtained as shall consist with the interests and permanent welfare of my kingdoms."

General *Conway* rose to move an Address to his Majesty. He was sorry, he said, that it had fallen to his lot to trouble the House so often; but he hoped that they would excuse him, on account of the great importance of the subject, on which he had so often taken the liberty to solicit their attention. Often foiled in the course of the present war, in his attempt to put an end to hostilities with America, he had for once succeeded in a motion from which great expectations might be formed, though he had no great reason to flatter himself or the House very much from the answer that had been made to the Address, which had followed his motion, as it was not quite so explicit as he could have wished: however, he thought it right and proper to return thanks for it to the throne, expressive of the satisfaction of the House, at those pacific dispositions which were manifested in his Majesty's Answer. But he trusted he should be seconded by the House, in his desire to secure themselves, and this country, against the possibility of a doubt that the American war was not now completely concluded. Something, perhaps, might yet be wanting to confirm the resolution of the House last Wednesday; something by which ministers would be so expressly bound, that, however desirous of evasion, they would not have it in their power to evade the injunction of that House; but now he would move, "That an humble Address be presented to his Majesty, to return his Majesty the thanks of this House, for his most gracious Answer to their Address presented to his Majesty on Friday last, and for the assurances his

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Majesty has most graciously been pleased to give them of his intention, in pursuance of the advice of this House, to take such measures as shall appear most conducive to the restoration of harmony between Great Britain and the revolted colonies; and that his efforts shall be directed in the most effectual manner against our European enemies, until such a peace can be obtained as shall consist with the permanent welfare and prosperity of his kingdoms: this House being convinced that nothing can, in the present circumstances of this country, so essentially promote those great objects of his Majesty's paternal care for his people, as the measures which his faithful Commons have most humbly but earnestly recommended to his Majesty."

Viscount *Althorpe* should consider himself wanting in duty to his sovereign, if he did not rise to second the motion. At the same time, he said, he was not perfectly satisfied with the Answer that had been given to the late Address; and he wished that the hon. member would take some step that might tend to enforce the spirit of that Address. With respect to the motion then before the House, he hoped it would be carried unanimously, as a mark of that respect which the House entertained for his Majesty.

The motion was carried *nem. con.*

Debate on the Resolution moved by General Conway, declaring the Advisers of the further prosecution of Offensive War in America to be Enemies to the King and Country.] General *Conway* informed the House, that he had another proposition to make, which he thought absolutely necessary, and without which the great point that had been carried on Wednesday last, would be rendered nugatory and ineffectual. He was really ashamed to speak so often to the House on the subject of the American war; but he trusted this would be the last time he should obtrude himself on their patience. His habits and disposition were so contrary to the principles of this war, that he absolutely had a most rooted aversion to it; and, therefore, though he was convinced that he had spoken too often on the subject, he could not resist the impulse he felt to rivet, if possible, those fetters, which he hoped the Address voted on Wednesday had put upon the American war. There were several strong reasons which urged him to persevere in making use of every means in his power to put an end to it. He had every reason to believe that there was a general desire in the Americans to make peace with Great Britain. There were persons at no great distance, authorised to treat with us about peace: and though hitherto the Americans had not bound themselves to any specific proposition relative to the West Indies, or an exclusive trade to France, which could stand in the way of a separate peace, he was given to understand that something was in agitation with the court of France, which, if concluded, would be of irreparable disadvantage to this country; our readiness to treat with America would, in all probability, prevent any thing definitive from being concluded between the Congress and France. These were his reasons for wishing for an immediate cessation of hostilities with America, and recommending to government, that, without loss of time, they would open a treaty of peace with America. The Answer delivered to the Address on Friday, was by no means generally understood; it was conveyed in a language not any ways satisfactory, as it did not say his Majesty would put an end to the American war, but that he would take such measures as appeared to him, that is, to his ministers, to be most conducive to harmony; he had no doubt of his Majesty's gracious intention; yet as the same men had openly declared in that House, that, to make peace with America, you must make them feel the calamities of the war, it was not unnatural to think that they would still advise vigorous measures to be pursued, especially as they chose not to understand what the true intent and meaning of the words 'offensive war' conveyed; he had himself always been bred up in the military line, and nothing could appear more clear than the meaning of the words offensive and defensive. The prayer of the Address was to put an instant end to the American war as a basis for a peace; and as there were persons near at hand properly authorised to treat for the same, undoubtedly it meant to negociate with them, as the most speedy measure that could be adopted: now was the time for the blow to be struck, before it was too late; and as, from the present Answer, his Majesty's ministers might screen themselves from the public, by saying, they took such measures as appeared to them most conducive to putting an end to the war; they might think, that a war of posts, which had been so variously described, was the most proper

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measure; that the keeping the posts we had already got, or the abandoning them and choosing new ones, was the best: or they might think the recruiting the army lost under lord Cornwallis, was a proper measure; yet, in his opinion, none of those heads were left to their choice, for they were bound to put an immediate stop to the war, and those who advised his Majesty to the contrary, were highly criminal, and ought to be brought to justice. He would therefore move a resolution, which would make the sense of this House so clear and manifest, that his Majesty's ministers could not possibly mistake it: and by which the House and the country would have the satisfaction of knowing that this mad war would no longer be pursued. His motion was "That, after the solemn declaration of the opinion of this House in their humble Address presented to his Majesty on Friday last, and his Majesty's assurance of his gracious intention, in pursuance of their advice, to take such measures as shall appear to his Majesty to be most conducive to the restoration of harmony between Great Britain and the revolted colonies, so essential to the prosperity of both, this House will consider as enemies to his Majesty and this country, all those who shall endeavour to frustrate his Majesty's paternal care for the ease and happiness of his people, by advising, or by any means attempting, the farther prosecution of offensive war on the continent of North America, for the purpose of reducing the revolted colonies to obedience by force."

Lord *Althorpe* seconded the motion. He coincided entirely with the right hon. general, that this was wanting to finish the business of the week before: and this, no doubt, would give complete satisfaction to every man. His lordship declared, that one great inducement to him to second this motion, was, because he felt in his own mind, a want of confidence in the present administration, which their continued series of ill-success was alone sufficient to justify; he thought, therefore, the House could not be too cautious in having their sense and wishes as explicitly declared as possible. The line of conduct this motion, superadded to that of Wednesday, would most plainly chalk out, he flattered himself, would lead to peace with America, and by putting an end to that fatal war, which had caused all our calamities, he trusted an end would also be put to the present administration.

Lord *North* did not rise, he said, to give any opposition to the motion; but he would observe at the same time, that he could not by any means agree with those who thought it necessary: in his opinion, it had for its object only to strengthen that which was sufficiently strong already. The majority of that House had resolved, that peace should be made with America; and the Answer given from the throne, was so satisfactory, that the House had just concurred in a motion to return thanks to his Majesty for making it: where, therefore, could be the ground for coming to a resolution, which seemed to doubt the propriety or sincerity of that Answer? He was not of the disposition of those who complained of majorities in that House; who condemned them; and by factious and seditious misrepresentations, held them out to the public in the most odious colours: a majority of that House was, in parliamentary language, the House itself; it could never make him change a single opinion, yet he bowed to that opinion which was sanctioned by the majority; though he might not be a convert to such opinion, still he held it to be his indispensable duty to obey it, and never once to lose sight of it, in the advice which as a servant of the crown, he should have occasion to give his sovereign. It was the right of that House to command; it was the duty of a minister to obey its resolutions; parliament had already expressed its desires or its orders; and as it was scarcely possible that a minister should be found hardy, daring, infamous enough to advise his sovereign to differ in opinion from his parliament, so he could not think that the present motion, which must suppose the existence of such a minister, could be at all necessary.—He could not help however observing, that when parliament was giving orders, the breach of which was to draw down upon ministers the infamy of being deemed enemies to their king and country, those orders should be so clear, so plain, and so explicit, that it would be impossible for ministers to mistake their meaning: he was sorry, that in the present instance, this was not the case; for the resolution of Wednesday last, of which the present was a kind of confirmation, was clouded with obscurity, which would render it impossible for a minister to know for certain, whether he was adhering to, or deviating from, the orders of the House. If he understood those orders right, and if he did not, he wished

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the House would explain them to him, the object of the late Address was peace with America; and that keeping this object in view, all the measures that ministers should advise, were to be calculated to effect that object as soon as possible. Several voices were heard to cry No, no.—Lord North wished then to be informed if he had mistaken the meaning of the Resolution.

General *Conway* said his motion of Wednesday did not mean to seize the first opportunity of making peace that might offer; but ordered ministers instantly to forego offensive war with America.

Lord *North* said, he should not oppose the present motion, but it would subject those who were to act under it to some difficulty from the manner in which it was expressed.

Mr. *T. Pitt* was of opinion, that the resolution of Wednesday was so clear, that it was not possible that its true meaning could be misunderstood: if that part of it which declared, that the war should be no longer be carried on in America, seemed to admit of any difficulty, it was sufficiently cleared away by the subsequent part—"for the impracticable object of reducing the colonies to obedience by force." If the question was merely military, he must at that time make a very awkward figure in speaking upon it; but it was of a political nature; it was whether the war should be prosecuted on the continent of North America for the purpose of subduing it by force? To this question it was perfectly competent for him to speak; and therefore he was free ta say that such a war was completely condemned by the resolution.

Viscount *Howe* thought the wording of the motion would embarrass officers in their conduct. The word, "attempting" appeared to him to go a great deal too far: it comprehended all the officers of the army, who might, in certain situations, be greatly embarrassed on the question, whether they could do their necessary military duty, without flying in the face of the House. He understood the meaning himself, but as he felt that officers acting at a distance might not, he thought it due from him as a professional man, to rise on their behalf, and beg to have the difficulty removed. This might easily be done by omitting the word "attempting," and substituting the word directing, which would rest the responsibility altogether on ministers, who were the directors of the executive operations of the army, and not on those whose duty it was to act according to their orders.

General *Conway* declared he did not understand his lordship's distinction. He could not see any hardship in the words of his motion, on military men. If a minister did not send out the orders of the House to officers in command, the minister would be criminal in case the orders were disobeyed; but if ministers did send them out, and if after that officers presumed to carry on offensive war, then the officers would be guilty and not the minister.

Mr. *Dunning* thought the word "attempting" extremely necessary, and that the word "directing" would leave a discretionary power in officers to act as they pleased.

Mr. *Pulteney* conceived lord Howe's amendment a very necessary one. If the word "attempting" was suffered to remain in the motion, all military discipline was at an end. And in that case, he should not wonder if a corporal was to refuse to obey his officers, on a pretence that his compliance would militate against the orders of parliament.

Mr. *William Pitt* hoped there never would be room for any one to entertain an idea that ministers were too big for punishment, and out of the reach of parliament: that House had drawn the line, and he made no doubt but those who should transgress it, would find that parliament did not want power to bring them to punishment, let their rank be what it might: it was not therefore because the House could not punish the ministers who should disobey its orders, that responsibility was extended to those who should receive commands from ministers, contrary to the sense of that House, and obey them; but solely that there should not exist a possibility of ministers first disobeying the orders of the House, and then shifting the blame on the shoulders of their officers. He could by no means agree, that the discipline of the army would be affected in the least degree, and certainly it was proper that some persons should be responsible for their conduct in the business; for ministers who wished to carry on this destructive war, would probably not act directly contrary to the resolution of that House themselves, yet they might give their generals such orders, that the whole end of parliament might be defeated; certainly then those

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generals, let them be who they would, ought to be responsible, as they must know they were acting directly contrary to the resolution of that House.

Lord *Howe* declared, he meant not to insist upon his proposed amendment; it was therefore withdrawn.

Mr. *Fox* rose, he said, to speak but a few words on the motion, for as the noble lord in the blue ribbon had said that he should not oppose it, there was no occasion for him to enter into any detail of argument in defence of the proposition; some things, however, had dropt from the noble lord, on which he must animadvert. But he must first beg leave to say that he was one of those who were completely and totally dissatisfied with the Answer of the Crown to the Address of that House. When he spoke in this manner, he would undoubtedly be understood to mean, that he was dissatisfied with the Answer which his Majesty's ministers had advised his Majesty to give. It was the Answer of the ministers, and, among others, of that minister, who had, on that day, been heard to declare, that he disapproved of the resolution of the House on which the Address was founded; they had put an answer into the mouth of his Majesty which he could not approve of, because it was not an answer sufficiently clear and specific. For what did it say? That his Majesty would be graciously pleased to put an end to the offensive war carried on in America, for the purpose of reducing the Americans to obedience by force? No. But that his Majesty would take such measures as shall appear to him (that is, as should appear to his ministers) conducive to the restoration of harmony. Could this be satisfactory? Parliament had pointed out the specific means by which to accomplish the object; namely, by putting an immediate stop to offensive war; but his Majesty's ministers, instead of declaring in their answer that they would guide themselves by this advice, make his Majesty declare that they will take such steps as appear to them conducive to the object. He was not in the House when the motion for an address of thanks was agreed to, as he understood, unanimously; if he had, notwithstanding what he had just said, he should have voted for it, for he was careful to distinguish between the obligation that was due to his Majesty personally for the grace of his answer (and he sincerely believed that his Majesty was, in his royal mind, most graciously disposed to restore the blessings of peace to his unhappy people) and those ministers who wished to make the crown follow a plan of conduct directly opposite to the advice of his faithful Commons. This answer of the ministry, coupled with their language in that House, was perfectly intelligible; for here they declared, and particularly the minister for the American department, that the best way to conclude a peace with America was to make them feel the calamities of war. This expression the new secretary of state had made use of but a few days before. His Majesty, he sincerely believed, wished to conclude peace with America, as his faithful Commons had advised him; but his ministers undoubtedly meant no such thing, for their language was different.

But the noble lord had said, that he never would, nor should any man presume to act in contradiction to the voice of the majority of that House; nor dare to call it in question; nor dare to abuse it, in any shape. For his own part, he must claim to himself the right of declaring his opinion freely and fully of the conduct of parliament, in discharge of his own conscience, and of his duty. When majorities acted wrong in his opinion, he would, both within that House, and out of it, declare his disapprobation of their conduct: but the noble lord pronounced it, as the indispensible duty of a minister to hold the decision of the majorities of that House in the strictest reverence. Had he always done so? Did he not remember the vote of a majority of that House, declaring that the influence of the crown ought to be diminished? What, then, was his duty upon that occasion? Surely to second the endeavours of that majority, to reduce the influence. Did he so? No. He there counteracted, opposed, and at last defeated and destroyed the desire of that House; nay, he advised the crown in a shameful manner, to dissolve the parliament before its regular period, lest they should, in another session, carry into execution the resolutions of a former. Did he not, by his conduct, bring upon that House, the disgrace and ignominy of having declared what was their duty, and afterwards failed to perform it?

If the noble lord sought for credit in his declarations of respect for the decision of majorities, let him now come to the resolution of the 6th of April, 1780, and reduce the influence of the crown, and then he would be considered as a fair man; but the noble lord would otherways incur the

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censure of saying things in argument which he by no means meant to abide by. His situation was truly embarrassing. He had said in debate the other evening, and he had said it by way of menace, that if the voice of the House should be against him, that was undoubtedly by being against the principle and system of his administration, he should no longer continue in place. The House had been against him; the majority of the House was against him; and still the noble lord kept his place. Such was his respect for majorities, and such the credit that ought to be given to his declarations in that House! But it was no way strange, that he should now affect to pay regard to the decision of majorities; he stood in a situation which, he would be bound to say, had not been precedented since the Revolution; he remained in place when the House had condemned the system. Being then to carry on measures contrary to his own opinion, what must be done? When he went into his sovereign's presence, he must address him in language to the following effect: "I am come, Sire, to advise you to a measure, which is expressly contrary to my own opinion, and to all I ever told you; but, however, it is the opinion of a majority of the House of Commons." The noble lord was to gather every thing from the opinion of that House, since he seemed resolved to carry on measures of which he disapproved, if this country should be so reduced, so poor in spirit, or so indifferent as to suffer a minister to have the conduct of affairs in a moment so dangerous as the present, when he dared not to execute his own plans. The free, incorrupt voice of the majority of that House was, indeed, respectable. He did respect it; and respecting that, he must condemn and despise the majorities of another description, which the minister had procured by means of corruption. When he saw a majority, composed of contractors, whom a majority of that House had previously declared to be ineligible to sit there, he could not respect that majority. The House having, by solemn resolutions, declared contractors, the lords of trade, and certain other officers of the state, incapable of sitting in that House, he could not afterwards respect a majority made up of those men alone. He thanked God that the House of Commons had come to the resolutions of Friday last. Whatever were their present effects, they must, in the end, be decisive; for they had, by these resolutions, broken, destroyed, and annihilated the principle and basis of the present system, they had overcome corruption; and the system, thus deprived of its foundation, must crumble into pieces. It was impossible to believe that the ministry could be so daring and profligate as to go on after what had happened on Wednesday last; they could not have the presumption, surely, after the tidings that had come that day; they could not be impudent enough to go on. That day they had heard that the important island of Minorca was lost; that the garrison, consisting of 1,500 men, had surrendered prisoners of war; and that there were circumstances in the loss of this island, which made it particularly criminal in ministers; for, besides the loss of the garrison, he understood that there were several regiments now on their way to relieve the place. In the last war, the loss of this important fortress and island, drove a much greater ministry than the present from their seats. The nation would not then suffer loss, disgrace, and calamity, without calling their rulers to a severe account. Would they now suffer loss after loss, disaster after disaster? Were they so habituated to defeat? Had ministry made them so familiar with sorrow that they could now bear loss without a complaint? He hoped not. He had heard that day another report; he sincerely hoped it was not true; he had no other reason for believing it, but the probability, that the most important island remaining to us in the West Indies, except Jamaica, he meant St. Kitt's, was taken. He desired ministers to inform the House, if it was true that this calamity also had come upon us; and where they meant to stop; when they would confess that they had done enough. From his soul, he believed, that such was their accursed obstinacy, that even when they had lost nine-tenths of the King's dominions, they would not be satisfied till they had mangled and destroyed the last miserable tenth also—pride and obstinacy was so predominant in their natures!

He could not help observing with pleasure, the triumph of men in every quarter, on the resolutions of the House on Wednesday last. The exultation, the triumph, the hope, painted and expressed in every countenance, was a test of the desire which they had for the object recommended in that House; and the consequences that it had produced on the funds, and on the credit of the nation, were also inconceiv-

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able. The people saw or heard of our triumphs without emotion. They heard of the victories obtained by his Majesty's ministers without gladness. The stocks remained the same, the faces of men wore the same gloom; but on the instant that a victory was gained over his Majesty's ministers, whom they considered as the greatest enemies of their country, their joy was immoderate, the funds were immediately advanced, and the credit of the nation raised, because there was a prospect of the ministry going out of place. All yet would be well in their conception if this should be brought about. When the noble lord two years ago brought in a Bill for conciliatory propositions with America, the funds were not affected; they hoped for no benefit from any thing that he should undertake; but when the parliament declared it, they instantly proclaimed, "now that the minister is beaten the country may be saved." He professed that though he could not thank God for the many calamities which had overtaken the unhappy land, in consequence of the fatal system by which the King and people had been deluded, he still considered it as beneficial that the triumph of Wednesday last had not come sooner. It had, coming as it did, completely and effectually destroyed corruption; the reign of it was at an end. If the conquest had come sooner, before we had been so instigated against the baneful consequences of a system of corruption, perhaps there might have been contrived some paltry and insignificant coalitions which would have made the system more palatable. Now they were roused, and leagued by a sense of common danger, to a plan of general and united action; though the administration might go on for a day, a week, a month, or a year, it was nothing to a man who viewed things on a great scale; the foundation was taken from it on Wednesday last, and it must fall down, and then an effectual remedy would be found to prevent its ever rising again. The hon. gentleman concluded with asking ministers if the report concerning St. Kitt's was true.

Mr. Secretary *Ellis* said, that in former parliaments it was not customary for gentlemen to animadvert and challenge the decision of majorities; they were always held sacred, and ought to be so, for in fact, a majority was the sense of the whole House; every person was included who spoke either for or against a motion. With respect to the loss of Minorca he believed it to be true, but it did not immediately belong to his office to receive such intelligence; and with respect to St. Christopher's, he could only say it had been so rumoured, but he had not heard any thing officially about it.

Mr. *Rigby* said, he rose not for the purpose of dividing the House, but merely of giving his negative to the motion then before the House, that it might not pass unanimously as the last had: and here he could not help taking notice, that it was a little singular, that so many gentlemen should disapprove the Answer to the Address, and yet, that when a motion was made to return thanks for this very Answer which so many condemned, not one dissentient voice was heard against it; the hon. member who moved it, the noble lord who seconded it, and the hon. member who had lately spoken, had all condemned the Answer, and yet it was carried *nem. con.* This was a proof, in his opinion, that the charge so often brought against ministers, might be better applied to opposition; that they were divided among themselves. Some approved of the speech, others did not; the great leader of opposition himself had declared against the Answer; but still it was carried unanimously, that the King should be thanked for it. Then came another motion, which to him appeared perfectly nugatory, because he could not conceive, that any minister would be hardy enough wilfully to disobey the orders of that House: but he imagined it was proposed to calm tender consciences; and that it had been made to conceal dissentions: the vote of thanks, and the present motions, were to balance one another; and one set of men in opposition very likely had agreed to vote for the one, on condition that another description should vote for the second.—Much had been said about the majorities that had been against the noble lord: how had he got rid of the resolutions of those majorities? Why, by other majorities. And how had these majorities been obtained on both sides? By opinion. [A loud laugh] Gentlemen, he said, might laugh, but his assertion was true: it was the language of former days as well as of the present, that all who were in were corrupt, and all who were out were factious: these opinions had produced various resolutions in that House: but it was by no means a phenomenon in politics that a minister should keep his place, after having been left in a minority;

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and here he cited some instances in which even the hon. general who had made the motion had been left in minorities, and one in particular, when the duke of Newcastle's brother, a man by no means famous for eloquence, had kept Charles Townshend in a minority for two months together: all sides of the House had been occasionally wrong: the Act which repealed the Stamp Act contained a clause which strongly declared the right of parliament to bind America; and the hon. member (Mr. Fox) had voted for the Boston Port Bill. With respect to the charge brought against the minister of the loss of Minorca, it was idle and unjust. Every thing was laid at his door; which convinced him that in the spirit of opposition, they blamed him indiscriminately both for what he did, and what he did not; both for what was right and what was wrong. With respect to the true meaning of the resolution, he declared it was his opinion, that it would be difficult for ministers to issue their orders conformably to it; for he had heard, from some officers of high rank, who had served in America, that if they were there now, and the resolution of the House should be sent to them, they really would be totally at a loss how to act under it. If a general forage should be ordered by our commander, and an action should ensue, would this be repugnant to the spirit of the resolution? If Long-island should be attacked, it would require field operations to defend it, for it was 100 miles long; York-island was 17 miles long; and Staten-island was of considerable size; now, as no one had ventured to say our troops ought to be withdrawn, so no one could say that the officer commanding our army, might or might not be censurable for operations which would require marching and countermarching, and other field operations. He believed the people were tired of the American war, and indeed he was perfectly tired of it. That the people were tired, he was confident, from a circumstance he had observed last week; for being in the country, and hearing the bells ring, he directly concluded it was on account of the majority obtained over the minister; but on enquiry was told, it was because there "was a peace with America;" so little were the people acquainted with the nature of the business, that they thought an act of parliament could establish a peace. He was himself a great lover of majorities, and should always own, that he thought the noble lord in the blue ribbon the best of all his Majesty's ministers; but if there was so little faith to be put in his word as to make the present question necessary, it would be better to move at once to remove him from his office. The hon. gentleman in the course of his speech said, that he was tired of the American war; though he was by no means tired of receiving cash; but he could speak his honest opinion uninfluenced by his place.

Mr. *Fox* felt himself particularly called on to answer why he voted for the Boston Port Bill; it was on the minister's pledging himself, that if the tea that was thrown overboard was paid for, the idea of taxation should be dropped; and that it was the intention of the Americans to pay for it was clear, as there were at that time merchants in London who pledged themselves, nay offered to pay for it. With respect to the right hon. gentleman's wondering why lord North was blamed for the loss of Minorca, was he not prime minister, was he not a privy counsellor, was he not the chief person who had access to his Majesty, and who advised with him in his cabinet? Certainly, then, he ought to be responsible; and the noble lord himself had boldly and honourably declared it a few nights since; for he said, when debating about lord Sandwich, "if his conduct is blameable, I am to blame as well as he, as one of the advisers of those measures." But the endeavour of the right hon. gentleman to screen the noble lord from blame about Minorca, was too pitiful a quibble, for even that quibbling minister himself to make.

Mr. *William Pitt* was surprised to hear the right hon. gentleman declare he was not tired of receiving cash; if he was not, he would be bold to say the nation was tired of paying cash, and that they paid immense sums was perfectly known to that right hon. gentleman, who profited more by the war than any four men in that House.

Mr. *Rigby* got up to declare, that however lucrative his office might be, it had, previous to his taking it, been held by the fathers of the two last gentlemen, and he made no doubt but those gentlemen had some eye to holding it whenever he might be obliged to give it up: undoubtedly he was not tired of receiving money, but yet he was not to be told, that because men received the emoluments of office, they were the authors of our ruin.

Colonel *Barré* took notice of the ex-

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pression of Mr. Rigby, that if the country was tired of paying, he was not tired of receiving. It was no wonder. From the paper on the table it appeared, that for six years of the greatest distress and calamity that had ever occurred, he had no less than 600,000*l.* of the national money in his hands; and that just in the moment when that House had complained of the enormity of such profits, he had drawn for more, and had kept in his hand a balance of near 900,000*l.* The hon. gentleman made some severe comments on this circumstance, and gave it as a reason for the right hon. gentleman's conduct. He adverted to what had been, and was frequently thrown out against the opposition, that they were a rope of sand. To this he should say, that it was to their honour, holding different opinions as they did, that on this grand question they were united, since it must be upon principle. They were united upon principle against the present system, and they were united by the strongest tie that could bind men—by the just apprehension that, under this system, their country must be ruined.

After some farther conversation, the motion was put in its original form, and agreed to without a division.

Debate in the Commons on the Attorney General's Bill to conclude a Peace, or Truce, with America.] Feb. 28. Mr. Attorney General *Wallace* moved for leave to bring in a Bill to enable his Majesty to conclude a Peace, or Truce, with the revolted colonies in North America. He said he would not then enter into any detail of the nature of the Bill; but would reserve himself for another opportunity, when he should have to speak to a fuller House.

Mr. *T. Townshend* wished the learned member would even then, thin as the House was, give some explanation of the particular objects of his Bill.

Sir *George Yonge*, on the contrary, wished that no explanation should be given in so thin a House: on the very principle of the Bill, there must be great ground for explanation, without speaking of the detail; for if he was not mistaken, reference must be had to acts of parliament for a century back.

Mr. *Baker* said, that as the Bill must go to repeal or alter the Prohibitory Act, and also the Navigation Act; and as such a repeal or alteration must affect the trade of this country, he submitted, whether in point of order, the Bill could be brought in, before the proposition should first have passed through a committee. He wished also, that some delay should take place, till an Answer should be received to the Address, which had yesterday been voted to his Majesty.

Mr. *Hussey* objected to a moment's delay, lest it should be said that the House had rejected the very first proposition for peace, after the vote they had passed the night before.

Mr. *Fox* said, that though no man wished more ardently for peace than he did, still he did not see the necessity of passing any Bill on the subject in the very first instance. Ministers might enter into a negociation, and apply to parliament as soon as their assistance should be wanted. Whoever should have the conclusion of the business, whether the present ministers or others, they must act upon entirely new principles: for his part, he thought the idea of sovereignty over America ought to be totally renounced; but still he hoped that no one would give up America, without obtaining a substantial connection with her.

Mr. *Rigby* was of opinion, that no man spoke in general more substantially than the hon. gentleman; but still he must confess that he could not reconcile his two ideas of renouncing the sovereignty of America, and preserving a substantial connection with her. He was afraid the hon. gentleman wanted to retain under one name what he was so ready to renounce under another. For his own part, he did not entertain an idea of preserving the sovereignty over America; he gave that up for the same reason that he gave up the war—because he could not help it. He thought the Bill proposed ought not to be delayed. He was not in the secrets of ministers; but who could tell that some progress might not have been already made in a negociation, and that the Bill was necessary to the conclusion of it?

Mr. *Fox* did not mean by substantial connection, any advantage whatever that we should have a right to enforce: he meant such a connection as we have with Portugal; such as we had with Holland.

The *Attorney General* thought, that after what he had pledged himself to last night, it would have been unpardonable in him not to take the very earliest opportunity to promote that peace, which seemed to be the object of every gentleman's wish. In the Bill appointing commis-

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sioners to treat with America, there was a clause empowering them to suspend the Prohibitory Act, which, though it related to the trade of this country, did not pass through a previous committee: however, he was very willing to send his proposition to a previous committee of the whole House; and he made a motion to that effect accordingly; which was agreed to.

March 5. The order of the day, for going into a previous committee, to consider of the Attorney General's proposition for bringing in a Bill to enable his Majesty to make Peace or Truce with America, was read. The Speaker having left the chair,

The *Attorney General* rose to make his proposition. Peace with America, he said, was the great object of his intended Bill; and to such a Bill he trusted no opposition whatever could be made from any quarter of the House. Peace was the general wish of that House, and of the nation at large; and he hoped that if unanimity ever marked the progress through parliament of any Bill, the one which he should have the honour to propose, would be unanimously supported. This Bill was calculated to remove certain bars and impediments which stood in the way of peace. By an Act commonly called the Prohibitory Act, all commerce whatever was cut off between the colonies and Great Britain, until the former should be declared to be in the King's peace, that is to say, completely and fully restored to their allegiance to, and dependence on this country; a period which he feared was at so remote a distance, that to wait for it before the prohibitory law should be repealed, would be absurd and ridiculous. The only way now left, in his opinion, to restore the connection between the two countries, would be to open our ports to them, without which no truce or peace could be advantageous to this country. But the Prohibitory Act was not the only one that ought to be repealed: in 1774, the Congress had complained of certain other Acts, to which his intended Bill should have a reference; and in general to all Acts relative to commerce with America, from the 12th of Charles 2, down to the date of the present troubles. By the 12th of Charles 2, every thing that was destined for the consumption or use of English America, could by law, be shipped only in England, and the whole produce of the colonies could not be carried elsewhere than to England: this Act of course must be repealed, as well as many others which it would be tedious to enumerate. These were the outlines of his Bill, and having said this much, he moved, "That the chairman be directed to move in the House, for leave to bring in a Bill, to enable his Majesty to conclude a Truce or Peace with the revolted colonies in North America."—Having made this motion, he added, that it appeared to him necessary, in the present circumstances of affairs, to bring in this Bill as soon as possible, not solely for the purpose of repealing the Acts alluded to, which might be repealed in a future period, when the measure should be agreed upon after a negociation, but to remove the cause of certain jealousies, which he understood existed, relative to the sincerity of parliament, in its wishes for peace. When the commissioners were sent out to America, they were empowered to suspend those Acts, which it was now his intention to repeal; but then as all their proceedings were to be subject to the revision and approbation of parliament, it was insinuated in America, that parliament was not sincere in its proposals, as it might rescind or annul every thing done by the commissioners. The same doubt might still exist; and the apprehension of such a thing would probably deter the Americans from entering into a separate treaty with us, lest they should be abandoned by their allies, and afterwards be deceived by parliament. To remove the shadow of such a doubt, he thought it best for parliament to begin by repealing the Acts in question; and that would certainly be the best test of their sincerity.

Mr. *Fox* assured the committee, that nothing but the personal respect he bore the learned gentleman, had prevented him from treating the proposition before the committee just as it deserved to be treated; and that was to burst out a laughing when he had heard it, and then walk out of the House; for nothing could be so ridiculous and farcical as to hear such a proposition from that side of the House, and from a member who, on Wednesday last, had combated as far as he was able, a resolution, the obvious tendency of which was that very peace with which the learned gentleman seemed at present enamoured. The supporters of the present administration entertained at present a wish for peace; but they had been beaten into it; and nothing but flagellation and correc-

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tion could drive them to think of peace. Pity it was that so much correction should be necessary! The learned gentleman said, and said truly, that opening our ports to the Americans, and facilitating mutual intercourse with them, was the most effectual way to incline them to return to that preference which they used to give to our market over any other. Pity it was, that the learned gentleman and his friends had not discovered this four years sooner; then we should not have to lament the loss of America and our West India islands; we should not have to regret the loss of Minorca, or be now reduced to this melancholy situation, that of all our foreign possessions, those in India excepted, we could scarcely say that we had now remaining more than Jamaica and Gibraltar; and God only knew how long these might remain in our hands! When he rose, it was not with an intention either to support or oppose the motion of the learned gentleman, from which however he was free to say, that he expected very little good; but before he should consent to furnish ministers with the means of making peace, he would ask how far it was probable that they were inclined to make peace? Gentlemen knew well that Spain had offered her mediation, before she declared war. Would ministers tell upon what grounds it was rejected? In the year 1781 one of the most powerful princes of Europe had offered a mediation. Upon what principle was it rejected? Those who did not listen to mediations, could scarcely be called friends to peace: but if measures destructive of peace had been pursued, would any one say that the present ministers were inclined to it, or proper agents to negociate it? Was it true that our ministers had flatly refused to suffer any agents from America to meet their plenipotentiaries, under the mediation of the prince alluded to? If it was true, then it was to be concluded, that as they had driven the Americans to treat through France, they would consequently have taken the most effectual means to rivet the alliance between them; and of course nothing could be more injurious to the interests of this country. The learned gentleman therefore, in looking for the impediments and bars to peace, which he was desirous to remove, ought to look to his right and to his left, and in the persons of his friends, the ministers, he would find those impediments. Before he sat down, he had a proposal to make to ministers; he would inform them for certain, that there were persons now in Europe, who were fully empowered to treat for a peace between Great Britain and America; and though he believed they would not treat with the present ministers, still he would put them in a way of making peace; nay more, if they did not like to interfere in it themselves, he would undertake to negociate it for them himself. He saw a learned gentleman smile at his proposal; he was not surprised at it; nor could he have brought himself to make it, if the good of his country did not urge him to it; and he might propose it, without being guilty of more inconsistency than the noble lord, who condemned the resolution of Wednesday last, for peace with America, though at present he was willing to act every day contrary to his inclination: and to be constantly advising the sovereign to pursue those measures, which he so much condemned. Our affairs were so circumstanced that ministers must lose their places, or the country must be undone: he would therefore let them enjoy those emoluments, which they held so dear, provided he could save his country; for this end he was willing to serve them in the business of peace, in any capacity, even as an under commis, or messenger. But in so doing, he desired it might be understood that he did not mean to have any connection with them; from the moment when he should make any terms with one of them, he would rest satisfied to be called the most infamous of mankind; he could not for an instant think of a coalition with men, who in every public and private transaction, as ministers, had shewn themselves void of every principle of honour and honesty; in the hands of such men he would not trust his honour, even for a minute.

Lord *North* observed, that as the hon. member had not said one word in opposition to the motion, or to the principle of the Bill, to which the motion referred, he believed, that in decency to the mover, he ought not to enter into any discussion about it, but let it go immediately to a vote. However, since he had risen, he would take some notice of the extraneous matter, which had fallen from the hon. member. He had been pleased to say, that ministers were not inclined to peace; this charge he would meet with a flat denial, at least in as much as it related to himself. He had always been a friend to peace; and there were men in that House who knew it. To

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a Bill of the nature of that which was now in question, he certainly had not always been a friend; because he had always thought inferences might be drawn from it, by no means conducive to peace: but he no longer feared, that the Bill would give room for those inferences, because he knew they must be already drawn from another measure already adopted by that House—the resolution of Wednesday last. To the policy of that resolution he could not subscribe, but as parliament had thought proper to pass it, and as ministers were bound to obey the orders of parliament, so he should make that resolution the standard of his future conduct. The hon. gentleman had said, that there were persons in Europe authorised to treat of peace between Great Britain and America; if so, the propriety of passing the Bill now in question, must appear the more striking to gentlemen; because it must facilitate that peace, for which all parties seemed to wish so ardently. But then the present ministers could not be fit to negociate for peace, because a proffered mediation had not been followed with good effects. For his part, when he opened the last year's loan, he had said that there was a tendency towards a peace; a general mediation had been offered; at that time nothing specific had been proposed; and therefore he had made use of the expression, a tendency towards a peace, and a stronger one he ought not to have used, without going farther than the state of the negociation would admit. The hon. member was kind enough to offer his services in a negociation; but he would not take any part with the present administration; and the reason he assigned was, that he could not trust his honour in their hands for a moment that were without any principle of honour or honesty: these were good and substantial reasons, and better certainly could not be assigned; and the same should serve him against the hon. member. He would never employ a person who publicly declared that he could not have confidence in him. He was entitled to say just as much of that hon. gentleman; and therefore he would not trust his honour in the hands of that gentleman; and thinking of him as he did, he was determined not to employ him as his negociator.—The hon. member seemed to be in a great hurry to get the places of ministers; at least he was in a great hurry to drive them from their places, though he was not able to learn that among those who wished to succeed, there was any settled system or agreement, and therefore it would be for the good of the public that he himself should stay in, and continue in office to prevent, as he had hitherto done, confusion in the state, and the introduction of principles which might not be constitutional; with this view he was determined not to go out of office, until he should receive his royal master's commands so to do, or till the sense of that House, expressed in the clearest manner, should point out to him the propriety of withdrawing. As to the emoluments of office, God knew that though they were indeed much greater than his abilities deserved, still were they forty times greater than they were, they could not compensate for the anxiety and vexations incident to situations, aggravated by the uncandid treatment he frequently met in that House: it was not love of power or greatness that determined him to hold his place, so long as his sovereign and parliament would permit; he spoke in the presence of men who knew how little he was attached to either; but there was a certain pride of office which prevented him from resigning; and he would so far listen to that pride, that he would not resign until he could do it with gratitude to his gracious sovereign and to the public, from whom he had found so great support during the course of his administration.

Mr. *Fox* assured the noble lord, when he said he was dishonourable in private transactions, he meant in such as were of a half public, half private nature; and not at all in his private character, or in such part of his public character as related to money matters, in which he was ready to admit that he stood clear from every imputation. He wished, however, in every other respect, it would be believed that he had spoken no harsher than he meant. He ridiculed the idea of the noble lord's remaining in office to prevent confusion; and was surprised at the difference which he found in the noble lord's language on this day and Wednesday last, relative to resignation.

Lord *North* jocosely said, that he undoubtedly had prevented much confusion; and if he had not prevented more, it was because there were others who had greater abilities to create confusion than he had to prevent it. He maintained that his language both on this day and Wednesday, was the same, respecting resignation: he said on Wednesday, and he now repeated

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it, that if any one branch of the legislature should so far withdraw confidence from the executive power, as to interfere on all occasions, and give particular directions how the executive power should proceed, it would be better, and more constitutional, entirely to remove the ministers, than to leave power in their hands, after confidence had been withdrawn: and he added on Wednesday, and repeated it now, that if he found himself so little the object of the confidence of parliament, as that every day he should find that parliament was under the necessity of directing him how to act, he would undoubtedly, in that case, retire from office. But as long as parliament should not think it necessary to remove him either by a vote, or by totally withdrawing their confidence, —the hon. member would excuse him, if he should resolve to retain his situation.

The committee agreed to the motion without a division.

New Taxes—Call of the House, &c.] March 6. Sir *Joseph Mawbey* claimed the attention of the House to what he called an indecent behaviour in ministers, who always took care to have inserted in the Gazette every Address from any little paltry borough that flattered or cringed to them, but the important Address to his Majesty, to put an end to the cursed American war, and his Majesty's Answer to it, had not yet made its appearance; he therefore desired to know the cause of such neglect.

Lord *Surrey* declared, that however indecent ministers had behaved on former occasions, and with respect to the late Address, they had never behaved in so shameful a manner as on Friday last; for when the House went up with the Address, who should they see close to his Majesty's right hand but that most determined foe to America, general Arnold. Surely if ministers had the least particle of shame left in them, they would have advised his Majesty otherwise, and not so wantonly have insulted the people.

Lord *North* desired the House would permit him to postpone going into the taxes, as he was not ready, owing, in a great measure, to the hurry of business, and the late hours which the House had for some time past sat. He was exceedingly sorry he should so far trespass on their indulgence, but he trusted their candour would excuse him, as he would very shortly name a day, and stand to it.

Mr. *Burke* did not rise to oppose allowing the noble lord the indulgence he requested, but thought it rather extraordinary, that on the 6th of March the noble lord should come forward and say he was not prepared with his taxes to pay the interest for a loan which had been voted above a week. If the noble lord, who by the nature of his office could procure every information possible, was not prepared on the taxes he meant to produce, was it reasonable to suppose that persons, totally unacquainted with them, could, with a degree of justice to their constituents, vote those taxes at first sight? If the taxes the noble lord meant to produce were grounded on the former ones, such as doubling the excise laws, or any thing of the kind, the House would be prepared to debate on the subject; but if they were, as the noble lord mentioned on opening the budget, numerous and novel, it was nothing but fair that he should give the House some information what they were. He had himself just looked over the blessed fruits of the noble lord's administration, and there he found that we were loaded with ten new taxes, viz. beer, wine, soap, leather, houses, coaches, post-chaises, post-horses, stamps, and servants, (a friend here hinted to him that he had forgot sugar) upon which he said he had totally forgot sugar; but to be sure, now we had lost St. Kitt's, and in all human probability should soon lose Barbadoes and Jamaica, it was not extraordinary he should have forgot that valuable article, as we shall soon have no sugar to tax.—He did not wonder the noble lord was at a loss about new taxes; for what fresh burthen could he add to this unhappy nation? We were already taxed, if we rode, or if we walked; if we staid at home, or if we went abroad; if we were masters or if we were servants; if we drank wine, or if we drank beer; and, in short, we were taxed every way possible. Thus, after being taxed in the manner mentioned, he had endeavoured to see how the account could stand, when viewed in a mercantile form, and the first thing was, debtor by loss, one hundred million of money; he next looked for a creditor side, and what rendered it most curious was, that there it stood, creditor by loss; we had purchased one hundred million worth of national disasters, and the whole, when in one view, appeared as follows: Debtor by loss: one hundred million of money. Creditor by loss: one hundred thousand

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men, and the loss of Massachusets, Pennsylvania, New-York, Virginia, Maryland, South Carolina, North Carolina, Florida, Georgia, Delaware, New Jersey, Rhode Island, Connecticut, New Hampshire, St. Vincent, Grenada, Dominica, Tobago, St. Christopher's, Senegal, Pensacola and Minorca, which, at a moderate computation, produced to this country annually, four million five hundred and fifty thousand pounds. Now, as the account stood in such an advantageous manner, it was impossible but the public must see the cause of the noble lord's gratitude, which he talked of so much on Tuesday last; he undoubtedly owed much gratitude to his sovereign, for keeping him for losing so many valuable dominions, and he owed much gratitude to the public; but he desired the noble lord would inform the House, whether he meant to raise, by his new taxes, the sum of 800,000*l.* merely to pay the interest of the new loan, or whether he meant to raise 1,300,000*l.* to pay both the interest and deficiencies of his other taxes. This was a thing the noble lord ought to do, as it was very material, and what he owed in gratitude to that House. The noble lord had told them he would continue in his office out of gratitude to the people. Gratitude! the noble lord's gratitude! Oh, Sir, said Mr. Burke, addressing himself to the Speaker, the noble lord's gratitude is like that of another fallen angel like himself, described by the poet:

"The debt immense of endless gratitude
So burthensome, still paying, still to owe:"

so with the noble lord, his debt immense of gratitude was endless, and could never be discharged, and therefore he had presumed to fly in their face and to insult them with such language as ought to be reprobated by every man in the House, who had a sense of the decency due to parliament, from the noble lord, and how ill it became him of all men, to say that he would continue in his office out of gratitude.

Lord *North* said, he would, on Monday next, without fail, bring in the taxes; and he only meant to raise 800,000*l.* to pay the interest of the new loan.

Mr. *Fox*, on this, attacked his lordship with uncommon force. The noble lord had at last confessed himself totally exhausted in point of finance, and no longer able to raise taxes to pay the interest of a debt, occasioned by his cursed American war; the people were loaded with innumerable oppressions, that even the noble lord was at a loss how to distress them any farther. His constituents, he said, felt severely the fatal effects of the noble lord's administration; and indeed the whole nation felt them, too, severely; for he had, by a determined obstinacy to keep in place, ruined above nine-tenths of the British dominions, and seemed equally determined to ruin what little remained. The noble lord had lately talked of his gratitude, and that he only staid in office to see his country righted. In the name of God, what good could the country expect from a man whose whole administration had been one continued scene of blunders! From the noble lord's confession to-day, he had proved himself what he always took him for, namely, an ignorant and bad financier, a man totally unacquainted with the resources of the country, and certainly unfit and unworthy of the office he held. He had said, his taxes were novel, and uncertain in their produce; it was unnecessary for him to have mentioned the latter, for the deficiencies of the noble lord's former taxes, which were annually added, and of consequence became an additional load upon our shoulders, plainly proved it. The taxes the noble lord meant to produce on Monday next, were supposed to raise 793,000*l.* the interest of the new loan; but whether they would produce 5 or 400,000*l.* the noble lord was totally ignorant. Thus he went on year after year, making taxes which were inefficient for the purpose intended, and consequently must add fresh burthens; therefore it became the duty of the noble lord to mention to the House when he intended to propose taxes to pay off the former deficiencies, which otherwise would remain a dead weight to whoever should succeed the noble lord in office. The way for a minister to establish his credit with the public, would be to have his taxes ready, and those substantial, at the time he came and asked for a supply; not to borrow so large, so enormous a sum, and then be at a loss how to pay even the interest. It was conduct such as he never remembered, and what must stamp indelible disgrace on the noble lord, who, in a former debate, a few evenings since, said, "you should not speak out and declare your readiness for peace, it will prevent your getting such good terms as you have a right to demand." Could any thing speak out plainer to our enemies than the noble lord had done himself that day? Had he

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not declared to all the world, that this nation was incapable of any longer carrying on a war, by saying he was unable to raise more taxes? The greatest piece of delusion the noble lord had been guilty of, was in keeping the nation in profound darkness with respect to the state of their affairs. He deluded them by a set of taxes which they were led to believe were sufficient for the purposes intended; therefore, the public suffered him to go on, not knowing their situation; if they did, long before this would they have cried out against him, and awakened from that state of lethargy which had been so disgraceful to them, and so ruinous to their country. He would conclude with declaring a firm belief that the last token of the noble lord's gratitude, would be the losing of Barbadoes and Jamaica, after which, there being nothing more worth giving up, he supposed his lordship would quit his office.

Sir *Joseph Mawbey* said, as the noble lord had deferred his taxes until Monday, and the call of the House stood for to-morrow, the call should be put off until a proper day, that gentlemen might not leave town at a time when such material business was likely to come on; he should therefore move, That the order for the call to-morrow be discharged; which was done. He then moved, That the House be called over on Thursday se'nnight; upon which,

Mr. *Rolle* got up, and proposed an amendment, by inserting the words, "three months" instead of "se'nnight," which was seconded by Mr. C. Turner.

The *Speaker* said, the first question for the call of the House had been withdrawn, on a full assurance that no opposition would take place on the worthy baronet's second motion.

Mr. *C. Turner* declared, his reason for opposing it was, because he thought the call of the House a mere farce, a nonsensical thing, and quite unnecessary. If members would not attend without being compelled, they were unworthy of being members, and ought not to have a seat. If the present times would not make them attend, no call of the House could be of service. An hon. gentleman (Mr. Rigby) had frequently called opposition a rope of sand, but had been answered the other evening, that such a rope as it was, they could, when occasion required it, hold together by the firmest of all ties, principle. The rope of sand had done a glorious work lately; but it was not one or two good acts that were sufficient to make him esteem a House which he had so long detested; they must go on, and the people must join them; for this was the time for the people to join parliament; if they did not, they deserved to be slaves as long as they lived. Parliament must give him greater proofs of their honesty than they had done, before he would believe them, or put any faith in their works. He loved the Hanoverian succession, he was fond of a Hanover king, while he continued to act for the good of his people, and he would in the greatest distress prove his love, by putting his hand in his pocket and helping to support him; but if the King acted against his people, and endeavoured to gain a corrupt controul over his parliament, he would be the first to join the French, or any other power, against such a king; for he wanted none of the luxuries of the present age, he could live upon one-third of his estate, and would, sooner than submit to the present set of ministers, retire to Switzerland, or some other remote corner of the earth, to spend the remainder of his days. The present ministers stiled opposition a rope of sand; he called the ministry in return a rope of onions, for they stunk in the nose of all England, and would, he hoped, either rot all together, or speedily drop off one by one.

The question being put, that the word "se'nnight" stand part of the question, the House divided:

Tellers,

Yeas	Lord Mahon - - - - Sir Joseph Mawbey - -	106
Noes	Mr. Rolle - - - - - Sir C. Warw. Bampfylde	90

So it was resolved in the affirmative.

Debate in the Commons on Lord John Cavendish's Resolutions of Censure on his Majesty's Ministers.] Mar. 8. Lord *John Cavendish* said, that the business to which he took the liberty to call the attention of the House, was of the most serious nature, and of the last importance to the state. The great and splendid empire of Britain was nearly overturned; calamity, disgrace, and disaster were pouring upon us from every quarter; and the measure of our misfortunes was likely to be soon completed by the loss of all our dominions in America and the West Indies: if it was yet possible to prevent any part of such disaster from being completed, it was only by investigating the cause of our calami-

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ties; for until that should be ascertained, it would be impossible to find out, or apply a remedy to the evil. In endeavouring to explore that cause, and ascertain the most effectual means to remove it, he assured the House he was not under the influence of any other passion than that of love for his country: from the present ministry either collectively or individually, he had never received a personal incivility; and therefore the gratification of resentment could not be ascribed to him as a motive for the measures he was going to propose. He never had asked or received a favour from any former administration that he had supported; and he was determined, let who would be ministers, never to ask a favour at their hands; therefore he hoped the House would give him credit, when he assured them that in any change of ministers he entertained not the least idea of any personal interest to himself; if he could serve his country, the great object of his wishes would be completely gratified.

He intended to propose to the House a string of resolutions, so clearly founded in fact, that he did not know that any one could venture to controvert them. When he looked round for the causes of our calamities, the first thing that struck him was the profusion with which the public supplies had been voted. The sums already voted for the present disastrous and disgraceful war, under the three heads of navy, army, and ordnance, amounted to the immense total of 100,000,000*l.* to this sum he might add the difference between the navy debt at the end of the year 1774, and that of the present year; which, with a few items, still to be voted for the service of the current year, would swell the total to 103,000,000*l.* The taxes which the war had made it necessary to impose already exceeded 3,000,000*l.* annually. In the last glorious war we had been led from victory to victory, from conquest to conquest, and the taxes laid on during the war, amounted to no more than 2,500,000*l.* What a difference in the sums! What a difference in the consequences of the expenditure of both! At the end of the last war, the whole world was at our feet; and there was not in the world a navy but our own. In this disgraceful war, we had already spent infinitely more money; and purchased nothing but losses and disgrace: America was gone, Minorca was no more, and our dominion in the West Indies nearly annihilated; while our navy was every where inferior to that of our numerous and combined enemies.

Could the nation, if woful experience had not demonstrated it, have imagined or suspected, from the sums voted for the navy, that we should be every where inferior to the enemy, on an element where we used to ride triumphant, and where we had been fondly taught to think that we should still continue to triumph? No man could have thought such a thing, if he had read the list of sums voted by parliament, for the use of the navy. During the peace, the naval establishment had been kept up so high, that it doubled any former peace establishment in this kingdom; the reason assigned, was, that it had become necessary always to have a respectable naval force in readiness, for sudden emergencies, and to keep in awe the neighbouring maritime powers. But had that object been accomplished? Had the neighbouring powers been kept in awe? The very reverse; for they were suffered to raise a most formidable marine, whilst our own, notwithstanding the immense sums voted for it, seemingly decreased in proportion as that of our enemies increased. If this was an event, which from the nature of things might have naturally been expected, why had ministers shewn so little foresight as to provoke the different wars in which we were actually engaged? The American war, the source and origin of all the others, might surely have been avoided; but since ministers had rashly and unwisely run into it, why had they not taken the wise precaution of securing friends on the continent, in order to prevent a war with France and the rest of the House of Bourbon? This was an unpardonable neglect, which ministers could not attempt to palliate, but by a defence, which, of itself, would be sufficient to prove that they were unfit to govern a state, namely, by proving that they wanted foresight. He feared they wanted something else; he feared they wanted their senses; for upon no other ground could he account for the war into which they had hurried us with Holland. The Dutch were our oldest friends and allies; they had been allied to us for more than a century; they were bound to us by a thousand ties of interest and of principle; but these ties were dissevered; and these our old friends and allies were pronounced to be enemies. This was a fatal declaration; and though

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some gentlemen might think, that as yet we had not suffered any thing from the Dutch war, yet, let them look into the ordinance estimates for the present year, and they would find there some monuments of our disgrace; and must soon be convinced that we have already felt the Dutch war extremely burdensome; for the better defence of our coast, a chain of fortifications had been erected along the coast to the north of Scotland, to protect it from the Dutch; this measure was at once expensive and disgraceful: it evinced the weakness of our fleet, the decrease of our marine, and the apprehensions of the nation. In the last war no such fortifications had been erected; they were not necessary; our navy then was equal both to the defence of our own coast, and the annoyance of that of our enemies; but those days were no more; the navy of England was comparatively gone, and with it all our glory. But by whose fault was our navy gone? Was it by the fault of parliament? The very reverse; for exclusive of the immense sums voted for that service since the beginning of the war, no less than 25,000,000*l.* had been voted for it during the peace. Such had been the liberality of parliament! This liberality was requited by the most shameful neglect!

But this was not the only loss we had sustained by the war with the Dutch; it had cramped our operations in other quarters, and greatly served the purposes of the House of Bourbon, as it diverted a considerable part of our naval force, which might have been better employed against our natural and inveterate enemies. If in their weak and backward state of preparation the Dutch had caused so great and so fatal a diversion of our naval force, what had we not to dread from them in the next campaign, when they should be in a much better condition to annoy us?

Would gentlemen, then, think that he spoke rashly or uncharitably, when he should say, that the present calamitous situation of the country had been produced by the want of foresight in ministers, previous to the war, and their mismanagement since its commencement? If this was true, and he believed a review of their administration would demonstrate it, would not gentlemen allow that it would be highly improper to trust them any longer? Gentlemen were at liberty to do as they should think proper; for his part, he would propose those Resolutions, which his regard for the welfare of his country had suggested to him; and, if they should be carried, he would follow them with another for an Address to the King, not specifically to remove any one minister, or to point out any man or set of men to his Majesty, as the most proper persons to serve him; but merely to pray that his Majesty would take such steps and make such arrangements in his councils as should prevent the total ruin of the country. He concluded with moving: 1. "That it appears to this House, that the money voted for the army, navy, and ordnance, and the debts already incurred, and laid before this House, since the year 1775, exceed the sum of 100 millions."

The House desired he would read the remaining Resolutions, which he did, as follows: 2. "That during the above period we have lost the thirteen colonies of America, which anciently belonged to the crown of Great Britain (except the posts of New York, Charles-town, and Savannah) the newly acquired colony of Florida, many of our valuable West India and other islands, and those that remain are in the most imminent danger; 3. That Great Britain is at present engaged in an expensive war with America, France, Spain, and Holland, without a single ally: 4. That the chief cause of all these misfortunes, has been the want of foresight and ability in his Majesty's ministers."

Mr. *Powys* seconded the motion. He disclaimed all personal resentment against any man in office: he had no communication with one of them out of that House, and therefore it was impossible for him to have any personal animosity against any one of them. He declared, that it was a matter of the most perfect indifference to him, by what set of men the country was governed, provided it was well governed; and that if it was now only a struggle for places and power between two parties, he would sit a silent and indifferent spectator of the contest. But the question was not now who should govern the state; but whether there should be left any part of the state to be governed? The noble lord in the blue ribbon had said a few days ago, that if parliament should withdraw its confidence from him, he would resign: that period was come; the confidence of parliament was withdrawn; and the shackles with which that House had thought it necessary to fet er his hands were the strongest proof of it The noble

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lord had given the House a specimen of the speech he should make at the moment of his resignation; would to God he had pronounced it at the proper theatre—at St. James's, in the presence of his Majesty! Whenever the happy moment should arrive, when that noble lord, to the unspeakable joy of the nation, should really go to his sovereign to resign his employments, he hoped he would not forget to draw to the King a picture of the flourishing state in which he found his Majesty's empire, when the government of it was intrusted to his hands, and the ruinous condition in which he was about to leave all that remained of it. The noble lord had said also, that it was to prevent confusion that he had remained in office: the House would judge how far the noble lord was candid in this declaration, and how far it was founded in truth, when they should take the trouble to consider who were the men most likely to succeed him, and what were the principles to which they pledged themselves. The first thing to which these men stood pledged, when they should get into office, was, to check profusion and prodigality in the expenditure of the public money: this was one reason for ministers to be afraid that confusion would be introduced into government, if œconomy should be made to succeed to prodigality. These men stood pledged also to explore the dark recesses of that *sanctum sanctorum* of government, the civil list; and to lop off the useless and unnecessary branches of that establishment, and apply the savings to the purposes of the state. They stood pledged, in fine, to pursue some plan of improvement in the manner of sending representatives to parliament. They did not stand pledged to adopt visionary plans; but such as would really tend to cut off the causes of corruption in the constitution of parliament. Such were the men from whom the noble lord was so apprehensive of confusion; but with how much cause, the House would form its own judgment: among these men were some of the first abilities in the kingdom; some who were the representatives of the most opulent families in the nation: others among them were the descendants of all that was great, all that was illustrious: among them was the son (heir to his father's virtues and unexampled talents) of a man who had carried the British name to the very highest pinnacle of glory; and who had quitted the reins of government, only when he found that, by a secret, but baneful influence, he was no longer able, with honour to himself, or safety to the state, to execute those counsels which he was not permitted to direct; among them were those men who invariably stood firm in the profession of those principles to which his Majesty's family owed the crown; and yet from such men, the noble lord pretended to apprehend confusion! Rebellion raged in the extremities of the empire; and which our state physicians without the least concern, were going to get rid of by amputation: but they were alarmed indeed, lest the dreadful disorder of œconomy should seize the vitals of government, and crush their administration.

To draw a just and proper contrast between these men and the present ministers, he would trouble the House with a short analysis of the latter. To begin with the youngest in office. The king of Sardinia is stiled king of Cyprus and Jerusalem, he said, with the same justice as the hon. gentleman (Mr. Ellis) is stiled secretary for the American department; yet the king of Sardinia has no power over Cyprus nor Jerusalem, neither has the hon. gentleman any power over America. He gave no great reason to hope, that such measures would be pursued, as would be for the benefit of the nation: the House knew what had been the principles of that gentleman, and if he should adhere to them, the nation had no reason to rejoice at his appointment; since he came into office, he had given a kind of sketch of his political creed; he could not call it a sincere profession of faith; on the contrary, he must look upon it, at best, but as an instance of occasional conformity; he recanted no former error; he abjured no former principle; but seemed only to give way a little to the temper of the times; he had once been loud in opposition; but was now so drenched in the lees of ministerial complacency, that all the starch and buckram of his character was gone; and he himself reduced to the most perfect state of pliability.

The noble lord in the blue ribbon was of a no less pliant texture: he scarcely had a principle of his own to follow; but led on by the impulse of secret and unknown influence, his principles were swallowed up, and he blindly submitted to adopt those of other men. The noble lord had said he would always act in conformity to majorities of that House, yet when a reform was to take place, in abolishing a number of useless offices, he had thrown

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every obstacle in the way of that reform, and had totally defeated the object intended by a majority of that House. The noble lord, he believed, now stood in a situation that no minister before him ever did; for after finding that he had lost the confidence of the House, he still remained in office, contrary to his own declaration, that he would quit, if the sense of the House was against him. Would he wish for a greater proof than he had already experienced? If he did, he trusted the House would give it him. The old Secretary of State had retired to the upper House, and was transplanted into a viscount, for having completed the loss of America; certainly, by the same justice, the noble lord in the blue ribbon, for his eminent services in having begun and continued, until he had finished the ruin of his country, ought to be transplanted into the first duke; for, surely, if being an enemy to his country was a ground for promotion, the noble lord stood foremost for the highest honour.

In the other House of Parliament there were ministers of whom as little good could be said, as of those he had already mentioned. Lord Stormont filled the office of one of the secretaries of state; but what treaties had ever been signed by him? In what instance had he shewn himself a statesman or politician? Perhaps he might receive accounts at his office; the accounts of the marriages, births, or deaths of princes on the continent, which he notified to the King: but here ended all his politics; how far he was a proper person to treat of peace with America, might be presumed from one of his answers—"his Majesty's ministers receive letters from rebels, only when they sue for pardon." Lord Hillsborough was another minister in the other House; all he would say of him, was, that he had once corresponded with America; and the traces of his correspondence had not yet been worn out of the memory of the Americans. Of the naval minister, he would say nothing; for it was out of his power to describe his character as he ought: he believed, however, the House did not want a description; nothing could give it better than a review of the history of his administration at the board of Admiralty. These were the men who remained in office for the purpose of preventing confusion; and of preventing it on the part of men from whom order, regularity, and success, might, with more propriety, be expected than confusion apprehended. Would the gentlemen who had hitherto supported ministers consider attentively the contrast, and say that they deserved to be still supported? He was ready to admit that many gentlemen of the most independent fortunes had supported them, from principle; but how greatly had their number decreased! How few of this description of gentlemen still adhered to them! "Apparent rari nantes in gurgite vasto." As to the resolutions read by the noble lord, he believed them to be strictly founded in truth: no one could deny his noble friend's premises; he was of opinion that few would dare to controvert his conclusions: and he had not a doubt but if the noble lord in the blue ribbon should set aside his contractors, and the few friends who might vote with him from private friendship, the resolution which he got up to second, would be carried by such a majority, as would make the noble lord heartily ashamed of his minority.

Mr. *Martin* said:—I am extremely happy that a motion so good in itself, and so much tending to the consolation and comfort of this suffering country, has been offered to the House, by a noble lord whose public and private character, and whose family principles must endear him to all who love the public and a free constitution. Sir, as to the question itself, I should be very sorry if it could be thought that I had personal dislike to any of the present administration: I am too inconsiderable to have any sort of connection with them, other than that of a private member of parliament. Indeed, I rather fear that I have not had that degree of public dislike to them, which became me as a public man, from the good qualities I have heard ascribed to some of them in social life. Sir, since I have made any observations in politics, I have constantly thought that the principles of the administration were of a tendency to root out that free constitution on which we set so great and so just a value. Having often taken the liberty to mention to the House my opinion of the American war, I shall only now repeat in general, that I regard that war as the grand evil which has at least been continued to weigh us down, and to overwhelm us with disgrace, as well as misfortune, by the present ministers. Sir, I do not say that I think all ministers are equally corrupt, or even that all ministers are in any degree so. I

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believe, for instance, that the noble lord in the blue ribbon is naturally honourable and pure; but, Sir, he may have false pride, and improper notions of the government of a free people; and these notions, irritated by ill success and opposition, may have carried him far beyond those bounds, which rectitude of principle, and a good disposition would have confined him to. This, Sir, may be true, in some degree, of the colleagues of the noble lord, but however that be, or whatever be the cause, the effect has been almost fatal to this country. And, Sir, when I say fatal, I do not mean merely in respect to the loss of many valuable possessions, and the diminution of our navy, in proportion to that of other powers; but in respect to the wounds the constitution has received, to the horrid corruption of the morals of the people, and to the gross and ruinous influence of the crown, which has been condemned by a majority in parliament, though no measure has been since taken to stop, or even to check it in the least degree. Sir, I had the misfortune of not being in the House, when an hon. gentleman (Mr. Fox), whose great abilities will probably lead him into administration, if this vote should pass, made the strongest profession, in the strongest language, of his determined resolution, if in power, to persevere in those noble principles, he has so oft avowed. Sir, that hon. gentleman has, on various occasions, declared himself a stedfast friend to the people. And here, Sir, I beg I may not be misunderstood, as if I meant to speak for the populace, in distinction from the public at large. Sir, I respect all ranks of persons, and am persuaded, that the hon. gentleman, when he speaks for the people, means his country at large. Sir, this country at large has many grievances, which, perhaps, have not originated in this administration, but which they have been so far from redressing, that they have, to say the least, rather encouraged and fomented them. Sir, I wish to see a real patriot administration, an administration loving the public, and loyal not only to the King, but to the true constitution of this country. Sir, the leaders of opposition have for many years talked the language of integrity and disinterestedness: if, upon trial, they should shrink not only from their language, but their principles, I trust that I shall join with every independent gentleman in this House, in giving them as hearty an opposition as I have generally given to those gentlemen, whose principles I have detested, and whose conduct I have disapproved. I hope, above all things, that whoever may have the conduct of public affairs, that they will so far consider the rights of humanity, as to make a reasonable and general peace their first and principal object. I apprehend, Sir, that ministers naturally, from their situation, lose those feelings for their fellow-creatures that are common to persons in other situations. But let them remember that others feel, and feel most cruelly the calamities of war. Let them therefore act in their public capacities rather in the principles of universal justice and rectitude than from motives of what is vulgarly called national glory, but which is often really nothing more than national vainglory, and a spirit of tyranny and oppression. Sir, I trust, I shall be believed, at least by some few, that I have no personal, or at least no lucrative view, in a change of ministers. I may be honoured with a slight acquaintance with many of the gentlemen who sit on this side the House, but I regard the duty of a member of parliament, as so sacred a trust, and pure in its nature, that I never wish for any other advantage from it, than that of serving the public to the best of my poor abilities. Sir, till this way of thinking, however romantic it may appear to some gentlemen, shall be more general, we may have one administration somewhat better than another, but we shall never be governed as we ought to be.—Sir, I heartily thank the House for their kind attention, and shall detain them no longer than to read a very short paper from an author of no small reputation (Junius), which, though written in the year 1770, twelve years ago, seems to me in many points so very applicable to our present circumstances, that I will make no farther apology for giving it in a very few words: "The palm of ministerial firmness is now transferred to lord North. He tells us so himself, with the plenitude of the *ore rotundo;* and I am ready enough to believe, that, while he can keep his place, he will not easily be persuaded to resign it. Your grace was the firm minister of yesterday; lord North is the firm minister of to-day. To-morrow, perhaps, his Majesty, in his wisdom, may give us a rival for you both. You are too well acquainted with the temper of your late allies, to think it possible

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that lord North should be permitted to govern this country. If we may believe common fame, they have shewn him their superiority already. His Majesty is indeed too gracious to insult his subjects, by choosing his first minister from among the domestics of the duke of Bedford. That would have been too gross an outrage to the three kingdoms. Their purpose, however, is equally answered, by pushing forward this unhappy figure, and forcing it to bear the odium of measures, which they in reality direct. Without immediately appearing to govern, they possess the power, and distribute the emoluments of government as they think proper. They still adhere to the spirit of that calculation, which made Mr. Luttrell representative of Middlesex. Far from regretting your retreat, they assure us very gravely, that it increases the real strength of the ministry. According to this way of reasoning, they will probably grow stronger, and more flourishing, every hour they exist; for I think there is hardly a day passes in which some one or other of his Majesty's servants does not leave them to improve by the loss of his assistance. But, alas! their countenances speak a different language. When the members drop off, the main body cannot be insensible of its approaching dissolution. Even the violence of their proceedings is a signal of despair. Like broken tenants, who have had warning to quit the premises, they curse their landlord, destroy the fixtures, and throw every thing into confusion, and care not what mischief they do to the estate."

The *Secretary at War* (Mr. Jenkinson) admitted that the fact stated in the resolution, which declared that 100 million had been expended, was unquestionably true, but still it would, in his opinion, be very impolitic in parliament to come to such a resolution; not because it would make known to our enemies any secret relative to our finance, with which they are not already very fully acquainted; but it would express a degree of impatience under our distresses which must necessarily be detrimental to us in a negociation for peace: to state our heavy and accumulated expences, would argue a most heart-felt weariness of the war; and of course, would imply an impatience to get rid of it: from such a preliminary to peace, no good was to be expected; it would declare to the enemy, that being sick of, and exhausted by the war, we were ready to purchase peace on any terms: this would be dangerous language to hold to an enemy, and the truer the more dangerous. The war in which we were engaged with America was undoubtedly unsuccessful; but it was not for this the less just in its principle; it was undertaken to defend the rights of parliament; and the general voice of the people had concurred in the justice of that measure. If we found ourselves now, after a tedious and unsuccessful war, obliged to relinquish the object of it, we were exactly in the same situation in which the most powerful, and wisest nations, stood in their turn: the House of Austria and the House of Bourbon had each been exhausted, and almost ruined. It was true, indeed, that, at the end of the last war, our power had been carried to the most unexpected height; but that was the very reason why we were now without allies; for it was the natural consequence of great power to excite envy; and envy produced enemies: our greatness was formidable to Europe, and Europe perhaps rejoiced at seeing it cease. Austria and Bourbon had been too formidable for their neighbours; and their neighbours combined to ruin them in turn: we were the third great power that had been humbled, and the same cause which gave birth to leagues in those times, produced a similar one against us now, and kept the powers not immediately concerned in it, from joining with us; this was the true reason why we were without allies; and ministers stood perfectly innocent on that head. He did not mean to combat the truth of the resolution before the House; but he was clearly of opinion that it would be highly inexpedient to agree to it in the present posture of affairs; and therefore, in order to get rid of it, without giving a negative to what he could not deny, he would move "that the other orders of the day be now read."

Mr. *T. Townshend* was surprised to hear the Secretary at War declare, that the present motion was dangerous, on account of its informing our enemies what sum of money the war had cost us. Good God! was not that sum to be seen in the votes of the House? Was it any information to our enemies that we had lost America, and our valuable islands? Did not they know it as well as we? Was it any information to our enemies to say we were at war with France, Spain, and Holland, and without an ally? Was it any information to say, that these disasters were

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owing to a want of foresight and ability in our present ministers? Certainly not, for that was a fact he believed all Europe knew. The greatest secret he believed of the four was, that we were at war, for our enemies scarce knew it by our proceedings. But our ministers were more criminal than the last proposition stated, for if they wanted foresight themselves, they had been warned of the danger, and told the consequence at the beginning of the war; but they had obstinately refused to listen, and when they were told that France and Spain would interfere in favour of America for the purpose of crushing this country, they replied, "France and Spain have colonies of their own, they cannot assist America, for it will be setting a dangerous example to their own subjects, and be a stimulation to them to rebel;" and with respect to our going to war with the Dutch, ministers had termed that a wise and prudent measure, for they declared there was less to fear from them as an open enemy than as a secret one; for by their smuggling they supplied our enemies with naval stores, and thereby were a more formidable enemy than ever it would be in their power when acting offensively. After the present ministers had plunged us into those expensive wars, how had they conducted them? Not for the glory and welfare of the state, but for some little paltry revenge; and to support them, had been obliged to burden the subject, (to use the noble lord's own words) with taxes, numerous and novel in their kind, and very uncertain in their produce. The noble lord had taxed houses, servants, and every article of life that could be named, and rendered it almost impossible for the poor labouring man to exist; our manufacturers, our merchants, and our bankers were ruined, yet the same system of measures was to be pursued, and we were to be loaded with fresh burdens, until our ruin was completed. Certainly the times, the situation of affairs called loudly for a change of ministers, and unless that was speedily done, the country must be entirely ruined.

Mr. Secretary *Ellis* rejoiced that the resolution before the House would afford gentlemen an opportunity to declare whether their confidence in the present ministry was extinct or not; it was not manly to pursue a system of motion-making, tending always to remove ministers, but still studiously avoiding the most effectual way to remove them: if it was true, as gentlemen were pleased to assert, that parliament no longer had confidence in the present servants of the crown; if the fact was as it was stated, a direct motion to that effect could not fail of success: the present motion was of that nature; and therefore he rejoiced that the moment was come, when the ministers and their friends, and their enemies, and the world at large, might be able to ascertain the truth of the assertion so frequently made in that House, that ministers had totally lost the confidence of parliament. He was ready to admit that parliament, in passing the vote of Wednesday se'nnight, had given leading symptoms of a want of confidence in the servants of the crown; it was therefore his wish, as well as that of the most determined enemies to administration, that the House would this day come to a final decision on the subject, and declare openly, that they had no confidence in ministers, if such was the case. An hon. gentleman had thought it a bad omen, that he had not recanted any former error: he certainly had not recanted; for he did not see that he had been in any error: he had voted for the American war from principle; but he did not depart from that principle in concurring now with other gentlemen, that circumstances had happened, which rendered it necessary to abandon the object of that war. No man wished more ardently for peace than he did; and though his noble friend (lord North) and he had on Wednesday last been left in a minority, they did not at all differ from the majority of the House on that day in the principle of the question; it was merely upon the expediency that he had differed from the majority. The hon. member had thought proper to charge him with excessive pliability of character, because, now that he was in office, he was willing to pursue measures opposite to those which he had voted before he had been called to his Majesty's councils: the hon. gentleman should have said at the same time, that circumstances had happened which had altered the nature of the contest, and made it necessary to depart from those principles upon which the war was undertaken, with the tide of popular applause in its favour. To those circumstances he had bowed; his principles were still the same: he only thought that now they ought not be enforced. It could not be said, that there were any very great temptations to induce him to accept of the office he now filled. At the time he ac-

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cepted the seal, he was in possession of a lucrative employment, without responsibility; he had then, as it had been said on a former occasion, a warm comfortable bed, from which he had stept into the ship of state in the midst of storm and tempest; by this change he was called to a place of responsibility, and, from the late resolution of parliament, of some danger: these circumstances being considered, he believed gentlemen could find very little cause for this extraordinary pliability with which he was accused.—To the resolution before the House, he must declare himself an enemy; because, though no good whatever could arise from it, much mischief might be produced by it: the enemy was undoubtedly acquainted with the state of our expences, but still, if those expences were sent out into the world, authenticated and sanctioned by that House, the consequence would be, that our enemies would think we were falling into despair; and they would in proportion rise in their terms, as they saw us proclaim to the world that we were exhausted. Peace was his earnest wish, but he could not think that such a peace as must follow such declaration, was worth wishing for. Gentlemen, he believed, would confess with him, that the man who should advise the Congress to declare to the world, that their resources were exhausted; that they had overburdened their constituents, and that their paper-money was not worth a farthing, and who should give this advice for the purpose of obtaining a safe and honourable peace, must absolutely be an ideot or a madman. Would not gentlemen suppose a man to be out of his senses, who after having supported for a long time a very expensive law-suit, should go to the opposite attorney, and by way of inducing him to compromise the matter, should tell him that he was reduced to the last farthing; that he could no longer fee counsel, and that unless the matter should be compromised, he should be under the necessity of giving up the suit? Would any man say that such was the language by which the attorney could be persuaded into the compromise? Certainly not; and yet those who should vote for the resolution before the House, would hold exactly a similar language to obtain peace; and probably with as good an effect.—He would suggest another consideration against the resolution: We had been unsuccessful, it was true; but then were gentlemen ready to say positively that those who planned our measures, and those only, were to blame? It was possible that many of the plans might have miscarried, through the fault of those who were to carry them into execution; he really did not mean to accuse any one; but he wanted merely to shew the fallacy, nay the injustice of the position—that if a measure miscarries, the persons who planned it are solely responsible. Perhaps, in many cases, neither the persons who planned, nor the persons who were to execute, were in fact to blame; the wisdom of Providence, which baffled the foresight and wisdom of man, might have decreed that we should be unsuccessful.—The hon. member had considered him as a minister; true, he was one, but he had been so very short a time in office, that the hon. gentleman could not as yet say that he had done any thing to deserve censure; indeed, though he was certainly responsible for every thing that he had taken a share in, in the cabinet, still to speak properly, he had as yet performed only one single official act; and he was happy to know, that far from being censured, it was applauded by all descriptions of men; that act was the appointment of sir Guy Carlton to the chief command of the army in America. Mr. Ellis concluded by calling upon gentlemen on his own side of the House, and adjuring them as men of honour and as Christians, to vote against the motion for the order of the day, and to support the resolution of the noble lord, if they in their conscience had, like gentlemen on the other side of the House, really lost all confidence in the present ministry.

Mr. *Burke* got up to answer the hon. gentleman, and in one of the best adapted pieces of satire we almost ever remember to have heard him make, observed, that the present ruinous system of affairs was not defended by any one man of real independent property; there was no man in that House, unless he had a place, a contract, or some such motive to speak, that attempted to defend them; therefore it was highly indecent for men to echo their own praise, and to be the only persons that could justify their conduct; they were all exactly in the same tone, and played into each other's hands extremely clever: if a motion censured the American Secretary, he was defended by the Secretary at War; if the Secretary at War was censured, the American Secretary thought it his duty to defend him; and if the noble lord in the blue ribbon was accused, then

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both the others cried out, Would you remove a man who is at the head of your affairs at this critical period? He would answer, yes; now was the time, for the voice of the people was against him, and without their having faith in him, all his ends must be frustrated. Ministers, he said, always made use of the excuse, "You blame our measures after the event has happened, because they miscarried." If ministers meant to exculpate themselves, let them come forth, shew the House what their plans were, how they had formed them, and what they intended; then it would be in the power of the House to judge whether they deserved blame or not, but certainly it was very natural to censure men from the event of their actions, for by what other criterion could you judge them? When first he heard the new American secretary proclaim his profession of faith, he was inclined to think there was some likelihood of his salvation, but as he still persisted in his errors, all that hope of extreme unction was wiped away, and he was now as far from being saved as any of his colleagues. He said, Mr. Ellis had got out of a good warm bed, and ventured, with his eyes scarce open, into a vessel tossed in a tempest, and riding on the billows in a violent storm. He thought him exceedingly unwise in having done so; and declared it might be said to him, what Brutus said to Portia:

"It is not for your health, thus to commit
Your weak condition to the raw-cold morning."

Upon the present occasion, the hon. gentleman had talked as a physician, a lawyer, and a divine. To answer him as a physician, he should declare, that on finding his former doctor had ruined his constitution, he would call in the advice of a more skilful man in the profession, and not trust to him who had so mistaken his disorder; he would seek out for the most able physician that could be found, for one that every person gave a good name to, for one that the family could trust with confidence. To answer him as a lawyer, he would plainly tell him, that after having lost him thirteen estates, he could put but very little faith in his abilities, nor could he trust him to go any farther. Oh, says the lawyer, in answer, you have lost your estates it is true, but your title still remains good, it was that I contended for; would not he immediately answer again, what signifies my title, are not my estates gone, can you deny that?—Oh, replies the lawyer, don't complain, your title is still good, and you may by another suit recover them.—Yes, answers the client, but there is your bill yet to be considered; that I am afraid amounts to as much as the worth of the estates. After a conduct of that kind, can any man suppose the client would suffer the same lawyer to carry on another suit for him? certainly not; a man of more integrity and greater abilities would be sought for. To answer him as a divine, he was sorry to say, he appeared to have but a bad opinion of the justice of Divine Majesty, to suppose that all our misfortunes could arise from Providence counteracting the designs of his Majesty's ministers. He undoubtedly heard and believed, that Divine Providence had sometimes scourged a land for its wickedness; and the scourge it had inflicted on this country, was a set of abandoned wicked ministers, for they were the greatest curse that Providence could have inflicted. He had heard of Divine Providence striking persons stupidly blind; he was of opinion a punishment of that sort had been inflicted on the present ministry, which occasioned them to act as they did. The hon. Secretary, he said, had declared, that he quitted his flannel night-cap and his warm bed for a post of danger; in his firm belief the bed was left merely for the purpose of introducing a Scotch warming pan, [Mr. Dundas the Lord Advocate of Scotland]; that was the chief cause of the new Secretary's being created. He then reprobated the measures of administration for a series of years, and declared, that in looking over the papers on the table, he saw that the sum of 57,000*l.* was set down in the year's expences for presents to Indians: and with other sums for services performed by these savages; the whole amounted to 100,000*l.* with which great sum he only found 25 women and children butchered. Surely, we had overpaid these good allies of ours, or had estimated the women and children very high. That sum of 100,000*l* would have purchased two 50 gun ships complete, which, in his opinion, would have been employing the money to a better purpose. On looking into the expence incurred for furnishing the garrison of Gibraltar, it appeared that no less a sum than 569,000*l.* had been expended from the Ordnance Office, therefore it would be considerably under the mark to say that 600,000*l.* had been expended there, which would, had it been

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applied to the use of the navy, have built 15 line of battle ships, of much more consequence to this country than Gibraltar for the purpose for which we keep it. At the commencement of our war, we should have sent a strong fleet to Gibraltar, to prevent a junction of the Spanish fleet with the French, and should have had another fleet to watch the harbour of Brest, and thereby have prevented them from joining the Spanish: at our breaking out with the Dutch, we should have had a fleet to command the entrance to the Baltic; instead of which we had done neither. We had suffered the fleets of France and Spain to join, and had likewise suffered the Dutch, with an inferior force, to slip past us; we had sent our fleet to Gibraltar, when it should have prevented the sailing of de Grasse, and protected our riches from St. Eustatius; in short, "we had done those things which we ought not to have done; and we had left undone those things which we ought to have done, and there was no help in us." He had, he said, just cast his eye over some of the expences incurred by the American war, and found that the article of forage was not a trifling one; the article of oats was no less a sum than 80,000*l.* the article of hay 36,000*l.* and the transport service, for those two articles, amounted to 43,000*l.*: in looking on a little farther, he observed that the victualling bills amounted to 1,250,000*l.* which led him to think there must be a vast army in America; but on enquiring among gentlemen returned from that place, he learned, that our army did not consist of one third of the force that was charged, and that the number of men actually employed in America, could not devour the provisions said to be expended. He then turned in his mind what could become of the provisions, and was at one time in a peculiar manner led to believe, as he had heard it was a French war, that we were victualling the French; in short, after the most minute enquiry, he was obliged to leave off where he began, and remain totally in the dark. The noble lord in the blue ribbon, he said, had declared, that he would never quit his office, until he could quit it with honour; he therefore congratulated the House on the happy prospect they had of keeping the noble lord in office, for if he never quitted his post until he could quit it with honour, he would be bound to say he would retain it until the last hour of his life.

Sir *John Delaval* rose as a country gentleman, just to say, that he had a high opinion of his Majesty's ministers.

Sir *H. Hoghton* rose for the same purpose, and in expressing his sentiments of the ministry, he threw out an insinuation against Mr. Burke: he said the hon. gentleman might be supposed to act under circumstances not perfectly independent. His prospect of being, if he had not been, the agent of New York, might have the effect which gratitude always has on a mind of sensibility,—it might attach him to their interests.

Mr. *Burke* said, that whoever had communicated the intimation to the hon. baronet was a liar; and he could assure him, that if it should be told to him again, he might consider the story as a lie. The meanness of the imputation he despised; nor should he have considered it as worthy even of the notice which he had given it, had it not been brought forward, decorated with a dark colouring of seeming candour. He had been a member of that House for seventeen years, and he defied any man breathing to charge him with one sinister, one dirty, one interested transaction.

Mr. *Duncombe* paid a warm compliment to the purity of Mr. Burke's character, and very much commended the propositions before the House; for it was impossible that this country could go on farther, under the management of men who had lost every particle of confidence with the people.

Earl *Nugent* said, that the support which he gave to the ministry, was founded on the conviction of their neither wanting foresight nor ability. The opposition seemed only anxious to push the ministry out of place, without taking any care previously to form a system of stability, by which the country might be benefited. He sincerely declared, that he pledged himself to the misfortunes of the noble lord in the blue ribbon; he would abide by him in adversity on the principle which he had supported him in his power. He had suggested the most practicable means of putting an end to the American war; perhaps the only plan which we had left, but it had been treated with disrespect.

Sir *Horace Mann* gave a firm approbation of the motions: they were temperate and salutary; they were in fact become indispensible: for the present distracted and trembling system could not go on. It was not possible that his Majesty's minis-

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ters could proceed without the confidence of that House, and without the opinion of the country. They had lost both. He formed for himself no prospect from a change in administration; his views were for the empire; and he was convinced that by the discharge or the retirement of the present men, a ministry might be formed possessed of real talents, strength, and union: if that House could not furnish them, they might from the mass of the people be collected; and all that was great, solid, and commanding in the nation, might be combined and directed to our salvation.

Mr. *Rawlinson* stated to the House, that he had received advice from a captain of one of the ships he owned, having arrived at Lancaster, and brought the news, that he fell in with the Quebec frigate, ten leagues to the westward of Bermudas, who informed him, that sir Samuel Hood had gone with his fleet to the relief of St. Christopher's: that he had the good fortune to take the whole of the French force, and to relieve the island. He said farther, that St. Christopher's, as appeared from his account, had never been captured; the French had landed, indeed, and taken possession of part of the island, but Brimstone-hill had not surrendered. This he thought news of the most flattering nature, and that it was authentic, he had every reason to believe, as he knew the captain who brought it to be a man of strict integrity, and he had his deposition in his pocket. He wondered not, he added, that the other side had not ventured that day to say one syllable respecting St. Kitt's; the news he had just mentioned was the cause of their silence on the subject; they dared not face it, though had it not arrived, he doubted not but a great deal of censure would have been thrown upon ministers for their having lost that island, notwithstanding it was a matter with which they had little concern.

Viscount *Maitland* made an admirable commentary on this poor triumph of ministry. Heavens! what must the state of that government be, which founded all its pretensions to national support upon the probability of one disaster out of many being retrieved! The noble lord contended strongly for the propositions on the table, and said, that in the failure of argument to refute them, the other side of the House had endeavoured to protect themselves by slandering a character, the most respectable of any in that House; even in this however, they had their usual misfortunes, for Mr. Burke, of all others, was the man on whom calumny could not sit. He ridiculed the impolicy and the folly of suffering a ministry to continue in the execution of measures of which they disapproved. He gave as a proof of the impolicy, the instance which these very men had afforded, of prematurely dissolving the parliament which voted for reducing the influence of the crown.

Mr. *Adam* said of the opposition, that the principles which they were to bring into power, and the system which they were to form, must be considered on the present occasion; as the House surely would not, by adopting the motions on the table, discharge the present ministers from office, (for if they did adopt these motions, they would directly drive them from their seats) without also taking some pains to examine what were the principles of those to come in. Mr. Fox had said, in a former debate, that a man would be infamous, who, in coming into office, should forget or retract his former principles. The hon. gentleman having been so candid, as to make this declaration, previous to his coming into power, it would, he presumed, be allowed fair, and he trusted, it would be felt necessary for that House, called on, as they were, to vote a removal of the present ministers, to pause for a few minutes, in order to recollect and consider, what had been the principles and doctrines of the men who were to form the new ministry, if a new ministry was to be formed. And first, the hon. gentleman had more than once declared, that the voice of the people was to be collected without doors from the people themselves, and not from their representatives—a position that went not only, to what he thought a breach of the constitution, but was an express reprobation of the majorities of that House, notwithstanding that the hon. gentleman had found it convenient, to hold up a late majority, as an authority of the first importance; a doctrine, which he was ready to subscribe to, though not more than to the authority of majorities in general. The hon. gentleman had also repeatedly told them, that he was an advocate for annual parliaments, in opposition to the wisdom of their ancestors, who, after the maturest consideration, adopted septennial, as the most serviceable to the common weal, and the most useful to government, at the same time that they infringed not on the rights of the people

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in the smallest degree. The hon. gentleman had likewise expressed a desire to alter the representation of the people; a measure, gentlemen would see, that would be a violent alteration of the constitution, which had for so many years been looked up to and admired as the most perfect system of political arrangements and distribution of power that human wisdom could frame. He then adverted to the plan of Mr. Burke, for reducing the civil list, and declared that he should consider it as a direct violation of national faith, and a measure to which he was sure many gentlemen of that House could not agree. If, then, an administration was to be formed of men possessing these principles, could unanimity be expected to take place, and that harmony and concord which was from all sides allowed to be necessary to our salvation? It could not, in his opinion, be expected. He insisted on it, that our success last war, after the change of the ministry, was more owing to unanimity than even to the abilities and exertions of the late earl of Chatham, great and extraordinary as those abilities and exertions undoubtedly were, or even to the gallant and good conduct of our admirals and generals: he therefore earnestly recommended the example as worthy and necessary to be followed immediately. It was from unanimity alone that we could look for better fortune. Let parties unite, let faction be extinguished, let true patriotism, founded on a real love for the country, prevail, and the success that had attended the last war might be hoped for, as distinguishing the progress of the present, whence alone a safe and honourable peace might be expected. Mr. Adam declared he should vote for the order of the day, because he thought the noble lord's fourth proposition an unfair conclusion; for if ministers were to be removed, it was necessary their successors should have some system or plan that warranted a prospect of better fortune, and because he did not think the principles of the present opposition promised any thing sufficiently advantageous to the country, to atone for the confusion, that, he sincerely believed, would follow a change of administration at that moment.

Mr. *Fox* rose, and answered the several matters thrown out by Mr. Adam. He had declared, and he repeated the assertion, that he would be an infamous man, who should on coming into place, abandon the principles and professions which he had made when out of place. He was happy to say that every principle he had ever held had been adopted by a majority of that House, the decision of which had given sanction to his opinions. The two great leading principles of his mind, in which he differed from the King's ministers, were, the prosecution of the American war, and the influence of the crown; in both these matters he had been supported by the opinion of parliament. The resolutions of the 27th of February had condemned the American war, and those of the 6th of April, 1780, had declared the influence of the crown ought to be reduced. The general principle of reducing that influence he warmly adopted. The corruption of that House was intolerable, and to all the resolutions which the House had come to at that time, for excluding contractors, for excluding the members of the Board of Trade, of the Board of Green Cloth, &c. he from his heart subscribed. All these members the House had declared to be incapable of sitting and voting in that House. By taking up the list of the division on the late memorable occasion, instead of leaving the minister in a minority of 19, he would prove, that by taking away these contractors and placemen, who were declared by the House to be incapable of voting, the majority against the minister was upwards of 100. To all the details prepared for the reduction of influence, he did not subscribe; but in this he was clear and decided, that that House ought to be made what it was originally intended to be—the representative of the nation. With respect to shortening the duration of parliament, it had always been his opinion, that it ought to be shortened; it was, however, a question on which honest men might differ, for honest and free men would differ, and he was clearly of opinion, that the shortening the duration of parliament would do nothing, without reducing at the same time the influence of the crown; but he thought the shortening the duration of parliament would be one great means of reducing that influence. He wondered not, that his noble friend, who moved the propositions that day, and several other of his hon. friends, did not perfectly agree with him respecting the necessity and expediency of shortening the duration of parliaments. He could not, however, help expressing his astonishment at the hon. gentleman's declaring, that septennial parliaments were chosen as the wisest and most consonant

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to the general well-being of the state, by those respectable and great men, the Whigs, who settled the constitution, when the Revolution took place. He reminded the House that the Bill for septennial parliaments was a Bill of modern date, and though it might not be practicable to alter that mode immediately, he still was of opinion that annual or triennial parliaments would be an improvement, calculated to preserve the privileges of the people from the encroachments of the prerogative of the crown.

Having said this, he begged leave to explain a matter which he had urged on a former evening, and which he understood had been misapprehended. It had been thought that he gave out that there would be formed an administration of proscription. This he positively denied; on the contrary, it was the desire of those with whom he had the honour to act, to form an administration on the broadest basis; an administration which should take in all that was great and dignified in the empire, to collect all the ability, the talents, the consideration, and the weight of the nation; to draw within its arms every man of influence, every man of popularity, every man of knowledge, every man of experience, without regarding his particular opinion on abstract points, and to employ all this body of strength to one great end, the deliverance of the empire. He had said only, that he could form no connection with the present cabinet; that he should be infamous if he did. He thought, however, that they had no weight nor consideration in the country, as private men. Even among them, there was one, however, for whom he entertained great respect. He meant the Lord Chancellor: a man who had always taken care to convince the world, that he had no share in their measures. The sense of the nation called for a change of men, as the only probable means of producing a change of measures, and a peace with America, who would not treat with her resentful and avowed foes, the members of the present administration. What was to be expected from an American secretary and a minister, who severally maintained their former sentiments respecting America, and who considered the vote of Wednesday se'nnight as a fetter on their inclinations! The times required it, and he hoped to God, the country would soon have an administration settled on a broad bottom, in which they could place confidence, and from whose measures they might rationally hope for success. It was by driving the present weak, wicked, and incapable advisers of the crown, from the person of his Majesty, that the country could alone expect to recover from its present disgrace and misfortune. The propositions moved by his noble friend that day, he was convinced in his own mind, would tend to produce that great and desirable object; and therefore wishing as he did for the removal of the noble lord in the blue ribbon, and such of his colleagues as had been the planners and conductors of the accursed American war, as the best blessing he could wish for his country, he should vote against the motion for the order of the day.

The *Lord Advocate* rose to answer the hon. gentleman; but previous to this, he took notice of some things that had fallen from other members in the course of the debate. It had been said that no placeman or pensioner was fairly intitled to deliver his sentiments upon the question, because he might be supposed to defend the minister from interest, and not from principle. In answer to this he should say, that he was superior to any such pitiful consideration, and that gentlemen on his side of the House were no more liable to an undue influence, from being in place, than the gentlemen on the other side were liable to be unduly influenced by their desire to get into place. There was another matter, that it was necessary for him to take notice of, and that was, a pleasantry of an hon. friend of his, who seldom spoke without greatly entertaining the House, and who had that night been pleased to laugh at the right hon. gentleman (Mr. Ellis), and to talk of his having quitted his warm snug bed, in order to make room for a Scotch warming-pan; now, he saw no reason, why it might not be an Irish warming-pan that was to be put into that bed, instead of a Scotch one; if the eager expectations of the other side of the House, with regard to their coming into power, were fulfilled, when he looked at the gentlemen who sat there, he did not think the one was less improbable than the other; certain he was, that however idle report might have wantoned with his name upon the subject, he knew not that there was the smallest foundation for it.—The learned lord now came to speak of the arguments made use of by the hon. gentleman who spoke last; and he professed that he knew not how to understand

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the meaning of a broad-bottomed administration, which was to proscribe, at least, one half of the ability of the empire; and he wished the hon. gentleman would describe how far he meant to go, and where to stop in his formation of an administration which was to embrace some men of all sides. He took up the argument of Mr. Adam, and called upon gentlemen to say whether they were ready to follow the hon. gentleman in the doctrines which they had heard him avow. Suppose, for instance, the hon. gentleman were, in conformity to the vote, "that the influence of the crown had increased, was increasing, and ought to be diminished," to propose some measure in that House, that should appear unwise, from its being likely to endanger the constitution, and he should find himself in a minority? In that case, would the hon. gentleman, who had repeatedly declared the right of appealing from that House to the people, resort to his other parliament in Westminster-hall, or elsewhere, and complain of the conduct of the parliament within those walls; tell the people they were betrayed, and induce them, like certain associations that had assembled for some years past, to come to specific and pointed resolutions, extravagantly praising some characters for their conduct in that House, and necessarily implying censure on others, so that the effect of the whole was intended to operate as a check and controul of parliament. The Lord Advocate urged this idea very strongly, and rescued Mr. Adam from the charge of having asserted that septennial parliaments were settled at the Revolution, declaring that he had made no such assertion, and observing that those who knew his hon. friend's course of reading, would not very readily suspect him of making any gross mistake about the Revolution, or any of the circumstances that had attended it. What his hon. friend had said, was, that the King's civil list revenue was settled at the Revolution, when the hereditary and unalienable revenues of the crown were by compact with parliament exchanged for a fixed and stated annuity. With all the respect, therefore, that he felt for the hon. gentleman who brought in the Bill, generally called, "A Bill for the reformation of the royal household," he must pronounce it to be a most unjust and unwarrantable Bill; unjust, because it tended violently to take from the crown what parliament had pledged its faith to give; and unwarrantable, because it assumed a right of interfering with the distribution of an annuity, which the legislature of Great Britain had put into the hands of the sovereign, for his own distribution and expenditure.—With regard to the motion of the noble lord, as he had now cleared his way to it, he would meet it directly, and give his sentiments upon it, without the smallest reserve. It was of a two-fold nature, and consisted of certain abstract propositions on the one part, and a declaratory resolution, conveying a direct censure upon ministers, on the other; so that altogether, it amounted in effect, to a motion for the removal of ministers, as directly as if it were drawn in words immediately expressive of that purport. The noble lord who had introduced the motion, and all its supporters, had attributed our present unfortunate situation to the want of foresight, and of ability in ministers, and had taken up the facts on which they rested that assertion, from the year 1775. He was ready, peremptorily, to deny the assertion in the first place, and next to maintain, that all our present misfortunes had their origin in the American war. Indeed, there was scarcely a gentleman on the other side, at all accustomed to speak on political subjects, who had not at one time or other expressly declared as much: but in order to see how the American war commenced, and to whom its origin was ascribeable, he should contend it was necessary to look a great way farther back than the year 1775. The American war, in his opinion, was to be ascribed to the irresolute, weak, and contradictory measures of that government, and of those administrations which first passed the American Stamp Act, then repealed it, and then passed the Declaratory Act. That the American war was in its beginning a popular war, and that it was supported by the voice of the nation, was a truth not to be denied. It certainly was so, as certainly as it was at that moment very much disliked, on account of the expence of blood and money it had cost the country, the extensive and complicated war in which it had involved us, and the difficulties and calamities it had drawn down upon us. The French, our natural and insidious foes, had watched the opportunity the American war gave them, of quarrelling with Great Britain, in order to resent our having beaten them last war, to recover some of their conquered possessions, to diminish our power,

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to lessen our force, and to tarnish our glory. Let gentlemen consider the moment the French broke with us—immediately after the surrender of the British army at Saratoga! He mentioned it without meaning the smallest incivility to the hon. gentleman who commanded that army; he mentioned it solely to shew, that it was our ill success in America that gave them the cue for breaking with us, and neither the want of foresight, nor the want of ability in ministers. After France had broke with us, it was extremely natural for her to entice the other branch of the House of Bourbon into the quarrel, and as many other powers as possible, in order to strengthen herself, and proportionably weaken us. To this it was, that the war with Spain, and the war with Holland, were severally attributable, and to no other cause whatever; and therefore, had he no other reason for opposing the noble lord's concluding resolution, he would vote against it for the reason he had just stated.

Mr. *Fox* said, in explanation of his description of the broad bottomed administration which his friends desired to form, that they would proscribe no men, of any principles, in the present dreadful moment, but the five or six men who were now, and had been, the confidential advisers of his Majesty in all the measures that had brought about the present calamities. To demonstrate his meaning by an example: they did not even mean to proscribe the learned Lord Advocate, although they abhorred his notions of the constitution. He then spoke of his idea of consulting the voice of the people without doors. It was clearly his opinion, that the people ought to declare their opinion of men and things; and that to do this, they had a right to meet and consult together, provided they did it in a peaceable, orderly manner. He would add to this, that when that House should become so lost to all sense of duty, and so far gone in corruption as to abandon the rights of the people altogether, and to become the passive instruments of the crown, then it might be justifiable for the people to revert to the original principles of the constitution, and to resume the direction of their own affairs, so as to preserve the popular weight in the scale of government. The present administration was the first since the Revolution that had dared to deny this right. But, said he, make parliament the representative of the people, and their voice will be collected within these walls.

Sir *Fletcher Norton* said, he had listened with attention, but did not hear any arguments adduced to justify the measures of his Majesty's ministers, nor any person attempt to controvert the facts stated in the motion; in short, they could not, for they were such self-evident propositions that it was impossible to deny them. Could any man say, that 100 million had not been expended? Could any man deny the loss of America, and many of our islands, and that the remaining ones were in imminent danger? Could any man deny that we were at war with three powers in Europe without an ally? Certainly not; then, of course, those three first propositions were admitted; and must not the fourth follow of course? Had not the cause of these misfortunes been want of foresight and want of ability? Would any man say, his Majesty's ministers had foresight? If they had, their having foresight and acting as they had done, still made them the more criminal. The learned lord's desiring to know what the new system would be, was a manœuvre meant to divert the attention of the House from the point in question. Let us, said he, first get a change, then it will be time enough to talk of the new system.—He then begged to call the attention of the House to what appeared by the report of their commissioners, appointed to enquire into the expenditure of public money, to be particularly deserving of their attention. By that report, a right hon. gentleman (Mr. Rigby) was said to have had for several years past a balance of the public cash in his hands, from 5 to 900,000*l.*, which he was very credibly informed the right hon. gentleman had put out to interest: if so, he desired to know to whom that interest belonged: he should suppose, from his knowledge of the law, to the public; but he desired to have the opinion of the crown lawyers upon the subject. That right hon. gentleman had the fingering of upwards of 50 million of money, and certainly ought to apply the interest gained by such a sum to the service of the public, for these were not times for individuals to keep the public treasure in their hands.

Mr. *Rigby* rose to answer the right hon. gentleman. He spoke in a style of ridicule for some time, and paid many ironical compliments to the learned gentleman for the public zeal and the disinterested principle with which he took up this business! To be sure he was actuated by no personal pique! He had no incitement of revenge,

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or of anger; but all was pure patriotism and love of economy! At last he said, that it was scarcely fair, scarcely decent to call upon him in such a manner, to settle so large a sum at once; he expected to have the same indulgence that had been granted to former paymasters, and certainly he was entitled to it; for he was the greatest paymaster this country ever knew, larger sums of money having passed through his hands than through any man's before. He denied that he was in the least moved to speak as he did on the late questions from the report of the commissioners; but that his chief reason was, he saw the noble lord was a persecuted man, a man that was falling, and therefore he would lend him his vote and support. If he courted his own safety, certainly he should look up to the hon. gentleman (Mr. Fox), for he was to be minister if the present question was carried—he was to be the man to whom all men must look for promotion. That it would be exceedingly difficult for a man to pay 500,000*l.* he allowed, and he believed the hon. gentleman knew as well as most people. He wished, however, gentlemen would recollect, that on his conduct as paymaster, depended his character, his honour, his fortune, and all that was dear to him in the world; therefore, though it was natural that his situation should excite envy, and that some rubs at his office should be made in times like the present, he wished gentlemen to distinguish a little between such rubs as would be fair, and such an attack as that from a great lawyer that evening; and that the other day, when another hon. gentleman had talked of his being tired of paying his own money, but not tired of receiving that of the public. With regard to the motion, and the propositions they were told were to follow them, he thought them extremely improper. But the learned lord over the way had reasoned in a manner so able, and so much to the purpose, that any thing he could say, would be superfluous. He declared he had never heard stronger arguments, nor a closer adherence to the question; he was sure the learned lord's was by far the best speech that day, because he perceived it had given most offence.

Sir *Fletcher Norton* pledged himself, if the crown lawyers did not take up the business respecting the interest of the balance in Mr. Rigby's hand, he would.

Mr. *T. Pitt* said, he had not heard any arguments advanced in favour of the present ministry, and unless they could disprove the facts in the motions they did nothing. In the celebrated speech of the learned lord, which had been said to give offence, he could see nothing; it was foreign to the question, and only went to ridicule a system that was not yet formed. Let a ministry be composed of wise, honest, and independent men. When that system was formed, let the learned lord, or any other person attack them if they did wrong; but the present question did not point out any particular one; it was a fair, plain matter of fact, which could not be denied.

Mr. *Sheridan* said, he should not have risen, but that he thought the learned lord and the right hon. gentleman who had followed him, had led the argument to such an issue, that it was impossible for any one who had a respect for the constituent body of the country, not to wish to give his sentiments on the extraordinary arguments they had used. He meant to speak to the purpose, but he wished not to be judged by the test laid down by the right hon. gentleman (Mr. Rigby), for he meant to give no offence in what he should say: though it was true, the rule had been proposed from high authority; for undoubtedly, if the degree of offence which speeches gave, was to be considered as the criterion of eloquence, the right hon. gentleman must be looked up to as the Demosthenes of that assembly. He had acted, however, in that day's debate perfectly consistent; he had assured the House, that he thought the noble lord ought to resign his office, yet he would give his vote for his remaining in it. The right hon. gentleman had long declared, that he thought the American war ought to be abandoned, but he had uniformly given his vote for its continuance; he did not mean, however, to insinuate any motives for such a conduct; he believed the right hon. gentleman to have been sincere; he believed, that as a member of parliament, as a privy counsellor, as a private gentleman, he had always detested the American war as much as any man, but that he had never been able to persuade the paymaster that it was a bad war: and, unfortunately, in whatever character he spoke, it was the paymaster who always voted in that House. His attacks on the noble lord, he said, appeared only an ingenious method of supporting him: it was figurative; but aye and no were speeches that did not admit of a trope.—Mr. Sheridan then attacked the language used by

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that right hon. gentleman on all occasions, where the constituents of that House were mentioned; his manner of treating the late petitions on the American war was highly indecent, and at that time extremely impolitic. The people began to be sufficiently irritated; gentlemen should be careful to drop no expressions of contempt towards them in that House; they had borne a great deal; perhaps it might be prudent not to treat their patience with insult. The way to prevent the interference of the people, the way to destroy those associations and petitions, which seemed so offensive to the right hon. gentleman, was to endeavour to make parliament respectable. Let that House shew itself independent, let it shew itself consistent, and the people would never think of interfering; but if parliament became contemptible in the eyes of the nation, the people would interfere, and neither threats nor influence would prevent them.—He was sorry to have observed that the debates of that day had worn so much the complexion of a contention between two parties, the one eager to keep their places, the other to get them; for this he thought the ground of all others on which the people, who were the real sufferers in the contest, had a right to say they would be heard and be attended to. He then adverted to the Lord Advocate's attack on the dangerous principles of his hon. friend (Mr. Fox), supposing he were minister. He ridiculed the learned lord's apprehensions, that his hon. friend, were he at the head of affairs in that House, and ever to find himself in a minority, would fly from the decision of parliament and appeal to the people. What! did the learned lord mean that he would ever appeal to the people as a minister? Did he see no distinction between a member of parliament applying to his constituents, whose agent he was, and a servant of the crown holding an office at the will of his Majesty, attempting to appeal to them in that capacity against parliament? No; were his hon. friend in the noble lord's place, and were he to forfeit, which he could not easily suppose, the confidence of parliament, he was sure he would neither fly to the people nor to the throne for support. He would disdain to continue longer in his office, he would not cling with the convulsive grasp of despair to the helm, which he was no longer able to guide; on the contrary, he would no doubt follow the advice, which the learned lord himself had successfully given to a late minister; he would instantly retire—though not to the other House perhaps, but to a situation more honourable, in the hearts of the people.—The noble lord, however, in the blue ribbon, was certainly not likely to give any apprehensions of this sort to his friend the learned Advocate. He gave him full credit for having no thoughts of flying to the people for refuge against the majority which had appeared against him in parliament. He dared not look the people in the face, much less ask their protection; he would as soon fly to some town of America, disfigured with the blood and miseries of this inhuman war, which the noble lord had so obstinately persevered in, and hope to find a sanctuary there. Having pressed this idea very home, he took a view of the arguments used by another hon. gentleman (Mr. Adam), to prove that opposition had been chiefly instrumental in the calamities of the country, and after reasoning very forcibly on the subject, he put it to the minister, whether he would ever come forward and answer to the world with such an excuse as this; whether he would ever acknowledge, that he, having had every thing he had desired, having been entrusted with an unbounded treasure and an immense army, having had the whole force and the purse of the nation in his hands, had been defeated in all his projects, by the talking and writing of a party in the country, who had yet never prevented his having a man or a guinea that he had demanded? He believed the noble lord himself, whatever situation he might be brought to, had too much candour and spirit ever to stoop to such a defence.—He concluded with a warm panegyric on the conduct and principles of opposition, which he said he should not presume to make, if it were not in his power to assert, that he gave his vote as independently as any man in that House; that no man should ever dictate to him; that he gave it as he did, from a sincere conviction that that party had ability to retrieve the affairs of this country, as far as they could now be retrieved, and that they were men who had an honest leaning to the constitution and liberties of the country, both of which he thought actually assailed under the present system.

Lord *North* said, he had heard much talk of the glorious majority of nineteen the other evening. In his opinion it was the most impolitic step parliament could take, but having done it, he was bound

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to obey it, and this he would now do implicitly. The present motions to be sure were rather more moderate than an address to remove ministers, but they went to the same effect, and if carried, ministers must go out, but he considered the propositions by no means proved. At the time lord Stormont gave the answer that had been alluded to, he was ambassador, and represented the King; certainly he could give no other answer than he did. With respect to lord Hillsborough, he had undoubtedly corresponded with America, but then he had at the time the voice of the people with him. The new American secretary had not been in office long enough to be proved whether he was short sighted, or wanted ability; and the proposition, stating that we had no ally, was by no means proved to be the fault of ministers, who might, as far as any person knew, have made every endeavour possible to gain allies, but had been prevented by other nations wanting foresight and ability. He denied having ever deluded the people by his Majesty's speeches, for, at the time he talked of pacific intentions, he was taught to believe that foreign courts were pacific.

Mr. *W. Pitt* said, the noble lord must either be guilty of want of foresight, or of delusion. With respect to not procuring allies, he was undoubtedly to blame; for no excuse could palliate that offence. If allies were not to be procured, the noble lord should not have plunged us into a war. He reminded the House of the noble lord's still avowing that he retained his enmity to the resolution of Wednesday se'nnight, and appealed to their judgment, if a minister, confessedly hostile to their orders, was to be depended upon any longer? As an argument that a change of ministers must be for the better, he said, it would afford a chance for the salvation of the country, which alone was in his mind a material advantage. With regard to a new administration, it was not for him to say, nor for that House to pronounce, who were to form it; all he felt himself obliged to declare was, that he himself could not expect to take any share in a new administration, and were his doing so more within his reach, he never would accept of a subordinate situation. What he had now offered, was meant merely for the sake of his country; for the simple question was, will you change your ministers and keep the empire, or keep your ministers and lose the kingdom?

Lord *Howe* rose to declare, that the first three propositions were so evident and clear to every man, that he was certain no person could vote against them; but as ministers might say, the want of success was owing, in a great measure, to his Majesty's officers, he could not, out of delicacy, vote for the fourth proposition, though that to him was perfectly clear with the rest; for he was determined, in his own mind, that want of foresight and ability in his Majesty's ministers were the chief causes of all our misfortunes.

At two in the morning, the question being put, that the other orders of the day be now read, the House divided:

Tellers,

Yeas	Mr. Adam - - - - - Mr. John Robinson - -	226
Noes	Mr. William Pitt - - Mr. Byng - - - -	216

So it was resolved in the affirmative. The majority in favour of administration being 10.

Debate in the Commons on the Budget.] March 11. The House went into a committee to consider farther of ways and means.

Lord *North* rose to open the second part of his budget for the year. He said it was a disagreeable office to propose new taxes; it must always be so; but in the present moment it was particularly severe, when the interest to be raised was so extensive, and the burdens already borne by the people so great. But the duty, however irksome, must be discharged; and he had only to request the indulgence of the committee, while he went through the details, which, from their nature, must be tedious; he would, he said, state the several articles as shortly as he could, consistent with the necessary precision and clearness. The sum requisite to pay the interest of the late loan was 793,155*l.*

The first object of taxation was that species of beer called in the language of the excise, Tenths, or Tenth-beer. From this he meant to draw an additional duty, which would operate both for the purpose of regulation and revenue. By the acts of parliament which lay duties upon beer, small-beer is described to be such as sells for 6*s.* per barrel, independent of the duty. The duty on this kind of beer is 1*s.* 4*d.* per barrel, and therefore it sells at 7*s.* 4*d.* whatever beer is above that price is liable to the strong-beer duty, which is

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8*s*. But in the trade there has been a long practice, admitted by sufferance only, that in settling the duty of 10 barrels of beer, value 10*s*. it has been usual to rate nine of them at the small beer duty of 1*s*. 4*d*. and one at the strong beer duty of 8*s*. By this method of settling the duty, the tax on the ten barrels comes in general to 2*s*. per barrel. This practice had however been the cause of introducing much dispute, and many difficulties. The brewers had claimed to have the same thing done on the beer of 12*s*. per barrel; and even they had gone so far as to claim the connivance for settling the beer of 14*s*. by the same rule. The latter had never been suffered; but the 12*s*. beer had for a considerable time been settled by this rule. It was, however, altogether a matter of connivance, but it was a connivance of long standing, so that if it were ever necessary to break it, it would not be easy. It was, however, necessary, that the line should be drawn, that the medium should be settled, and that it should not depend, as it had done for some time, on connivance, which would always give rise to dispute and cavilling. It was therefore his intention to propose, that beer sold at the price of 14*s*. per barrel, should in future pay a duty of 3*s*. per barrel, which, according to the present practice, would be an additional duty of 1*s*. At the same time it must be observed, that the beer, which now sold for 12*s*. was taxed, agreeable to the rule which he had mentioned, 2*s*. per barrel, which reduced it to 10*s*. but they were allowed a drawback of 6*d*. for the malt, so that they received in fact 10*s*. 6*d*. for their barrel of beer. He proposed, however, to remove this drawback from the new regulation of 14*s*. beer, so that the new duty of 3*s*. with the drawback of 6*d*. would be laid on beer which brought the brewer 10*s*. 6*d*. He would propose therefore that it should be allowed to the brewer to pay the small beer duty of 1*s*. 4*d*. on beer value 6*s*. and for all beer, value 10*s*. 6*d*. or which he would sell at 14*s*. that he should pay 3*s*. per barrel, without being allowed the drawback of 6*d*. for malt. For all beer above that price, he should pay the strong beer duty of 8*s*. per barrel. That is to say, in future, all beer above 6*s*. and under 11*s*. per barrel, should bear a duty of 3*s*. per barrel, without being allowed the drawback. This quality of beer, on which the additional shilling was laid, did not come under the description of that beverage which the common people drank. Beer at 14*s*. per barrel, was a very rich beer, and not such as would, by the little rise now proposed, affect the poor. He stated that the quantity of beer of this description consumed in Britain was 563,000 barrels, on which the additional shilling would produce 28,000*l*. To this however, was to be added, the amount of the saving, by taking away the drawback of 6*d*. per barrel, 14,000*l*.; amount of the duty on small beer, 42,000*l*.; and for so much the noble lord said he would take this article.

The next tax which he had to propose, was an additional duty upon Tea-licences. Two years ago parliament laid a tax of 5*s*. on dealers in tea, by forcing them to take out a licence annually. This tax had a very eligible operation. There were about 35,000 dealers in tea in the kingdom. It was his intention to lay an additional duty of 5*s*. on their licence. This he knew the trade could bear, without any injury to the public; and indeed it was eligible for other reasons. Parliament had suggested, and adopted many expedients for the prevention of smuggling. They had none of them, however, fully put an end to the pernicious practice, and the dealers in tea were very much belied, if they did not in their shops sell contraband tea, and such as did not come into their hands with a permit. This tax would reach them in the surest and most effectual way. It might however be said, that this tax was improper, because, in the manner laid on two years ago, it did not reach the dealers in a fair and equal degree, proportioned to their dealings, and to the extent of their trade. He wished to propose a remedy for this defect. Parliament had, in their desire to prevent smuggling, ordered, that every parcel of tea containing six pounds or upwards, removed from one part of the country to another, should be removed by a permit. He would therefore propose, that all wholesale dealers, and such as had occasion to send six pounds of tea or upwards at a time, should be subject to an additional licence of 2*l*. but perhaps they might endeavour to evade this last tax, by never sending more than 5lb. in one parcel. That this also might be provided against, he would propose that all such dealers as should, in the course of the year, sell above one cwt. of tea in the year, must pay the higher duty of 2*l*. for their licence. Taking it therefore in

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this way, he would state, that out of the 35,000 dealers in tea, there were 20,000 who sold more than a cwt. a year. Twenty thousand tea dealers then, at 2*l.*, 40,000*l.* 35,000 ditto at 5*s.*, 8,750*l.* Additional duty on tea-licences, 48,750*l.*

The next duty which he had to propose, gave him very great concern, because it touched a necessary of life. It was on Soap; an article undoubtedly which the poor wanted, but by no means in great quantities. The committee would remember, that in laying an additional 5 per cent. on the various duties of excise, soap, candles, and leather, were excepted, because it was at all times inconvenient to resort to articles necessary in manufacture, and to the poor. With respect to soap, however, it was not a necessary which would affect the poor like candles or leather. He omitted it, because a slight tax, without bringing much revenue to the country, might be very irksome to the consumer, and because, at a future time of need, the article might be taken with confidence for a large sum. His reasons for thinking that soap was not so material a necessary of life as either candles or leather, were these: soap was not consumed in large quantities by the poor. They used many aids, and resorted to various modes of working without the use of much soap. Some made use of soap lees, which they procured at a low price; some of a lye made from wood ashes; this was chiefly done in the country; and he was given to understand, that in this way, that they mixed a little soap with the lye, but in a very small quantity. He believed that a quarter of a pound of soap generally served a small family a whole week. But the chief reason of his proposing an additional duty at the present time was, that the article of soap had fallen greatly in price, and was daily falling. Within the last two years, it had fallen in the wholesale business full 10*s.* in the cwt. and in the retail it had had two falls in the same time; the first from 72*s.* 6*d.* to 66*s.*, and from 66*s.* to 52*s.* This was partly owing to temporary, and partly to permanent causes. The temporary cause of the fall, which was not very material, was owing to the fall of tallow; but the permanent and great cause was the fall of barilla. Barilla was a Spanish plant, and, from the demand, great and increasing quantities of it had been raised along the Spanish coasts, so that greater quantities were imported. But this was not all. Of late years, a method had been found out to make barilla go much farther in the use than it did formerly. After having used the quantity of barilla necessary to the manufacture of a certain quantity of soap, by adding one-fifth of new barilla to the old, it will do again to make a fresh and equal quantity of soap, and so on, always adding a fifth of new barilla. This method, he confessed, was not known to all the soap-makers. But the principal manufacturers in London and Bristol knew it; and by the mixture and change of servants, the secret would be soon generally known and practised. From these causes, he did not think that the additional duty would be felt. The tax which he meant to propose, was 7*s.* per cwt. which would come to about three farthings per pound. He could not imagine that this would make any material alteration in the article, or at least that it would come with any weight on the poor. No duty had been laid upon soap since 1713; amidst all the variations in the price of every commodity, it had remained unfettered with more duties; and being but little used by the poor, it would not be a burthen to them; for taking it on a pretty exact calculation, that a quarter of a pound of soap would serve a small family for a week, the additional duty would only make a difference to them of 9¾*d.* in the year. This tax, then, would bring in a clear sum of 104,500*l.*

The next tax he meant to propose, was an import duty on Tobacco. Since the war with America, the best tobacco had sold for 3*s.* per pound, but the chief cause of the rise was the taking of the island of St. Eustatius, which had a considerable quantity of tobacco upon it, and which stopped for a time the importation. Another great cause of the rise was owing to the blocking up the Chesapeak, which, at that particular time, was the scene of the war, and prevented our receiving any tobacco from America, by those means we were prevented for a time; but since the re-taking of St. Eustatius, the consumers had looked out for another shop; and we had received, and should receive great quantities from Danish ports; besides these, we had a right to expect a vast quantity from New-York, which was purchased at the capture of York-town, to the amount of 3,000 hogsheads, and which would consequently, when they arrived, greatly reduce the price. He would therefore propose to add a fresh duty of

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4*d.* per pound; and as the consumption of this country was well known to be as stated last year, 8,500,000 pounds weight annually, it would, on a fair calculation, produce 141,333*l.*

He next meant to propose a duty upon Brandy, which was of a trifling nature; it was meant merely as a necessary regulation, which the trade loudly called for; it had long been found extremely inconvenient to rate brandies as they are now rated; for as the law now stands, French brandy pays the highest duty; and in order to evade the payment of that tax, brandies are imported under the head of Flemish and other names, from places that do not produce a single grape vine; he should therefore propose, in order to put a stop to these evasive practices, to put all foreign brandies on an equal footing, and to make each pay the price of French brandy, which would, on a moderate computation, produce 5,000*l.*

The noble lord said, he found himself going to propose a tax which there could be but little difficulty in ascertaining the amount of, as it was about two years ago in agitation to lay on a duty of 50 per cent. upon that article, which he had refused, and had only laid on 25 per cent. or 10*d.* per bushel, reserving the other 25 per cent. to times when there might be more cause for the tax. He therefore proposed to add an additional duty on salt of 25 per cent. which was not a farthing per pound. The consumption of salt, he said, was so well known, that he could, with safety, set this down at 60,000*l.* Besides the tax on common salt, medicinal salts, although they pay no duty, bear an extraordinary high price; he should therefore propose to lay a duty on all salts of that nature, at, and after the rate of 1*l.* per cwt. which would produce about 5,000*l.*

The noble lord said he now came to new duties, but he hoped, though they were new, and he could not state them with accuracy, they would yet be productive. He would, in the next place, then propose,—An annual duty on all sums of money insured on houses and goods from fire. This was a duty which he could not argue on from experience; but it bore the aspect of production and efficacy. Gentlemen knew that a duty had been laid on policies of insurance; but they had not produced the sum at which they were calculated, and for this reason: it had been imagined, that when persons insured annually, they would have a policy annually; or when they insured septennially, they would, on every seven years, have a new policy; but this had not been the case. The offices had continued, and renewed the insurance from period to period, without giving a new policy. By this means, the duty had proved unproductive. But this might be remedied in the present tax; for, by laying an annual duty on the amount of the sums of money insured, would be the means of ascertaining the truth correctly. But the money insured was not paid, and there might be great difficulty, as there always was, in touching personal estates. They generally slipped through the fingers of the public, and were not to be procured. The land-tax, in its original form, view, and intention, was on all personal estates; but personal estates not being come-at-able, not being so palpable as land, it came to be confined to landed property alone. In the present case, however, he thought the personal estate might be found, and in a manner to which the owner could not object, for the tax would be laid on houses and goods, rated by the sum which the owner himself thought them worth. The tax which he meant to propose, was 1*s.* 6*d.* on every 100*l.* insured. This was not an immoderate tax; and he thought it would be a productive one. He thought that the treasurers of the several insurance offices would be the proper persons to collect the tax, and that they should receive it when the insurance-money was paid. It was exceedingly difficult to say what to expect from the new duty. There were no certain grounds on which they could build their calculations, and they must in the present state of the matter, take it from the speculative lights which they had in their power. There were in London six old insurance-offices, besides the sugar-bakers, who had formed a common plan of insurance, for their common safety. The six old offices in London were the Sun-fire-office, the Royal-Exchange, the London-Assurance, the Hand-in-Hand, the Union, and the Westminster. From pretty accurate information, he could state the following as the rate of their several insurance for the year. The Westminster-office insured to the amount of between 9 and 10 millions a-year. The Sunfire-office was said to insure to ten times the amount of the Westminster, but he would state it at 90 millions a-year. The Royal-Exchange at 25 millions; the Hand-in-Hand at 15 millions: the Union

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at 10 millions; and the London Assurance at 8 millions. He would calculate the whole at 150 millions of money insured annually. On which the proposed duty of 1*s.* 6*d.* per 100*l.* would be 112,500*l.*; but he would take the tax only at 100,000*l.*

The next was a duty on inland Bills of Exchange: the tax was a small stamp duty on inland bills of exchange, not payable at sight. He meant by this, all promissory notes, bills of exchange, and so forth, with a promise or contract of payment at a certain date. The tax was small, but it would be very productive. He meant to propose, that a stamp duty of 3*d.* should be laid on all bills under 50*l.* and of 6*d.* on all bills above 50*l.* He did not see any material, or indeed reasonable objection to this tax. Perhaps it might be said, that it would embarrass the intercourse necessary to trade. This he could not believe; for even now, bills of exchange and notes were generally given on some particular sort of paper, either thinner than the usual frame, or with some mark, margin, or other peculiarity. Few or any notes were now given on common paper; so that they might as well supply themselves with the stamps as with other paper for the purpose; but it might be said, that by purchasing a quantity of the new stamps loaded with the duty, it would be a hardship on the trader, because he must lay out a sum of money for stamps which must lie dead in his hands for a time. To this he must answer no; for the stamp-office had distributors in every market town throughout the kingdom, and indeed in other towns, so that persons could not be at any loss for a ready supply, without having quantities lying by them. It might be also said in objection to this tax, that the practice of giving notes and bills of exchange was a sign of poverty, and not of wealth; and that therefore he was laying a tax on pockets already drained. He was ready to acknowledge that it was a sign of necessity; but at the same time he must observe, that where a bill was given, one of the parties was possessed of value to the amount; and therefore, in that condition, the tax could not be a hardship to him. But there were a set of people who made a trade of drawing and re-drawing bills, by which some few people had made money, but many more had lost. Such persons, by drawing a great many, might be affected by this tax. He wished that they might be. If the revenue should thereby suffer, at least the public would be benefited. With respect to the manner of ascertaining what the new duty would produce, it was, like all other new taxes, difficult, because it depended on conjecture, but there were grounds on which they might judge with some accuracy. He knew one banker in a country town who drew annually 13,000 bills of exchange. There were three other bankers in the same town who drew among them inland bills to the amount of 26,000*l.* a year. This was one town, and these were country bankers. There were altogether 900 market towns in England, in each of which, taking them on the average, he might safely say there were annually drawn between 4 and 5,000 bills a year. There were many towns beside those which came under the description of market towns; and there was all the country, the fairs, and other marts, at which traffic in bills was used. Surely, then, he should take it very much within what it really would produce, when he stated the whole number of bills of exchange drawn in the year to be four millions: which would amount to 50,000*l.*

The next tax which he meant to propose, and which he thought a very fair and proper one in the present day of general distress, was on the places of Public Entertainment; and this he meant to rate agreeably to the prices paid for admission, and consequently to be in several classes. The following was the arrangement: 3*d.* to be laid on each admission not amounting to more than 1*s.* where no wine nor liquor is sold, and 6*d.* where it is; 6*d.* on each admission from 1*s.* to 3*s.*; 1*s.* on each admission from 3*s.* to 5*s.*; 2*s.* 6*d.* on each admission from 5*s.* to 10*s.* 6*d.*; and 5*s.* on each admission above 10*s.* 6*d.* In order to collect this tax with as much certainty and as little expence as possible, he intended that every person opening a place of public entertainment, should take out a licence: and that the persons appointed to receive the money at those places should also receive the duty, and deliver a ticket to the person coming in, and so paying, which he should give to an officer of the stamp appointed to receive them. Thus the door-keeper of the place of entertainment, and the stamp-officer, would mutually check one another; and the proprietors of the place could pay in the money at intervals to be appointed in the Act. This method, he conceived, would be eligible; but if gentlemen could contrive a method less liable to objection, he

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would be ready to adopt it. No new stamp officers would be required, at least not in town; for the stamp officers had done their business in the morning; and they would be happy to attend at night, and for a small sum receive the checks. The duties which he had mentioned, were in proportion to the prices of the places of entertainment with which they were best acquainted, and which would be the principal sources of the duty. He was given to understand, that those places were generally well filled with company; they deserved to be so; their entertainments were rational, and there was every reason to believe, that Drury-lane, Covent-garden, the Hay-market theatre, the Opera-house, Sadler's-wells, Ranelagh, and Vauxhall, the regular places of entertainment in the town, and which were generally crowded, would produce the revenue. On the most moderate computation, the duty on the places of entertainment in town would produce 20,000*l.*; and on those in the country 10,000*l.*; he would therefore take it at 30,000*l.*

The noble lord said, he was now going to propose the last tax, which was of a very extensive nature, exceedingly complicated, and what he was afraid would meet with opposition. The tax he meant to propose, was on the carriage of all kinds of goods, which he at first intended to have made on goods *ad valorem;* but found that totally impracticable. He had therefore determined upon making it agreeable to weight, by which means it would fall upon all, and sit lightly on every one. Carriage of goods he should consider under the three following heads: land carriage, inland navigation, coasting vessels. The first he should take notice of, would be that of land carriage, and there he should take in all coaches, waggons, carts, &c. used for the conveyance of goods from one place to another. By an act of parliament, there was a law limiting what weight each carriage should bear, viz. waggons with 16 inch wheels are allowed to carry eight tons in summer and seven in winter: waggons with three inch wheels, rolling a surface of 16 inches, six tons in summer, and 5½ in winter, &c. but since the letting waggons with these immense broad wheels pass toll free had ceased, there were but few or none of them in use. The tax he meant to propose was, that the owner of each carriage should take out a licence, which should contain his name and place of abode, the breadth of his wheels, and the probable length of his journeys. If he travelled to London, he should at the end of every month, pass his account at London; but if he did not, he should, at the expiration of that period, pass his account at some capital town where he did travel to. The master of the waggon to collect the tax in the same manner that the masters of stage coaches do now. The rate at which he meant to tax the carriages would be as follows: on all waggons with wheels exceeding nine inches broad, 3*d.* per mile; nine-inch wheels, 2½*d.*; six-inch wheels, 1¾*d.*; narrow wheels, 1½*d.*; carts with nine-inch wheels, 1¼*d.*; carts with six-inch wheels, 1*d.*; carts with three-inches or less, ¼*d.*—Now it seldom happened, from what he could learn by enquiring at the different inns and toll-gates, that ever waggons or carts carried less than the load allowed by act of parliament; indeed, they generally carried more; for as the surcharge at the weighing engine for overweight was so small for the two first hundreds, most carriers chose to run the risk of overloading, as they paid only after the following rate: for one hundred over weight 3*d.* two hundred 6*d.* three hundred 1*s.* four hundred 1*s.* 6*d.*: and so on in proportion; therefore the additional duty would not be more than one halfpenny and seven-sixteenths of a farthing per ton per mile, which would not enable the carrier to advance upon his customers more than after the rate of three farthings per ton, per mile. The carriage between London and sixty market towns, according to the rate waggons generally travel at, he understood was about 26 miles per day, therefore their freight was about 13*d.* per cwt. per day; and as a broad-wheel waggon was to carry four tons five cwt., on a journey of 26 miles, the freight would produce 4*l.* 12*s.* 1*d.* therefore the new duty of 2½*d.* per ton per mile would produce 5*s.* 5*d.* which would be a seventeenth part of the whole of the freight. But he wished to inform the committee, that he intended to exempt from this duty, hay, straw, corn, coals, fuel, manure, &c. as these articles he by no means wished to make dearer than they were. With respect to the carriage of household furniture and small parcels, he did not suppose they were carried at present at so cheap a rate as 1*s.* 1*d.* per cwt.; but there was such a number of carriages in each town in competition with each other, that he was confident they would keep the

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price down as low as possible. He had endeavoured to collect what the number of carriages were at present, which travelled to and from London: 500 broad wheel waggons; 100 narrow wheel ditto; 100 three-inch ditto; 50 nine-inch ditto carts; 50 six-inch ditto ditto; 50 three-inch ditto ditto. Which, upon a moderate computation, as they travelled five days in a week, would produce 48,235*l.* 8*s.* 4*d.* And allowing one fourth part of that sum for such country carriages as do not either come or go from London, it would make 12,059*l.* Therefore the total would be 60,294*l.* 8*s.* 4*d.*

The next article would be the carriage by way of canals, and there he would propose the same kind of licence, as in carriages, for the owner of every boat, or barge, should register his name, the tonnage of his barge, and the probable journies he would take; he should therefore propose one farthing per ton per mile on all goods by water carriage, which as rivers turn and wind, makes the journey much longer than by land, and would therefore, in a journey of 80 miles, amount to 1*d.* per cwt. One of the chief articles that would be affected by this tax was flour, which he would calculate at a voyage from Reading in Berkshire. The carriage of one ton of flour from that place would amount to 20*d.* and the carriage of a necessary quantity of faggots to bake that flour into bread, would cost 5*d.* therefore the whole would amount to 2*s.* 1*d.*; and one ton of flour, when made into bread, was sufficient food for 2,500 men for one day. There are in England 2,387 navigable miles of water, and an able engineer, who has made it his study to calculate the traffic which is carried on in these rivers, computes the river Thames to produce 90*l.* per ton per mile per month, lesser rivers, 75*l.* and the smallest canals 60*l.* per mile per annum, therefore the produce of carriage of canals may be set down at 163,410*l.* With respect to the coasting trade, there is supposed to be at present about 1,160,000 tons of shipping used coastways, upon which he proposed to lay a duty of 3*d.* per ton, to be paid at the time of entering outwards; this tax, he did not mean to extend to coals, as they paid a coasting duty already; he would therefore suppose this tax at 12,000*l.* which would make the whole of the duty on carriage of goods as follows: by land 60,294*l.*; by canals 163,410*l.*; by coasting vessels 12,000*l.*; total 235,704*l.*: but he would only suppose it to produce the sum of 210,000*l.*

	£.	s.	d.
The total of Taxes to be raised was - - - - -	796,583	0	0
The interest of Loan wanting - - - - - - - -	793,155	0	0
Surplus of taxes - - -	3,428	0	0

The noble lord begged pardon of the committee for having taken up so much of their time. He could only say, in his excuse, that he thought the details were necessary, and he had been as explicit as possible. He must also inform the committee, that he had suggested to several gentlemen the idea of a small stamp duty on receipts and discharges; but it had given such general offence, that he had withdrawn it; although he confessed he could not see the value of the objections. He had had it in contemplation to propose a tax, which would have produced alone the sum of 800,000*l.* It was right, however, for the committee and the world to know, that they had such a resource, to which they could apply with safety and success: gentlemen would give him credit for having taken some pains in making himself master of those long details: if he had not the praise of genius, he would have at least the merit of industry: they would not say, that he had come to the committee altogether ignorant of what he was to communicate to them. There was another matter which he must mention: an hon. gentleman had asked him, whether he meant to propose taxes for 800,000*l.* the annuity of the year, or for 1,900,000*l.* by which he might provide for the deficiencies of former years? This question seemed as if the hon. gentleman was afraid that he should go out of office, and leave burdens upon him who was to be his successor: he assured him he had no wish to burden him; but the deficiencies did not amount to 500,000*l.* The noble lord enumerated the taxes for the last six years, and stated that the deficiencies did not amount to more than 170,000*l.* or at the most to 200,000*l.* and for these he was ready to provide. He did not wish to shrink from his duty. He concluded with moving the first Resolution.

Mr. *Fox* rose, he said, to make an observation on what had fallen from the noble lord. Whatever the noble lord might think, or whatever the noble lord might choose to say of his wishes, of his

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hurry, and of his eagerness to get into the noble lord's place, he did assure him he had no such foolish ambition. He wished only that his country might be saved, and that there might be some government, and that government might be more wise, more virtuous, and more vigorous, than the one under the administration of the noble lord. With regard to the deficiencies of the taxes, whether the amount of them was 500,000*l.* or 200,000*l.* it made no manner of difference; the arguments he had used the other day were to the full as applicable, as justifiable, and as necessary one way as the other. What he meant to say then, and what he would say at that moment, was, that the noble lord of late years had adopted a strange custom of proposing the loan one day, and not proposing the taxes for some time afterwards, which every body present knew neither to be a good, a wise, nor an ancient practice: the custom had been, and the custom ought ever to be, to propose the loan and the taxes on one and the same day, that the House might know the minister did not borrow money for the public, of which he did not take care the public should be provided with certain means of paying the interest. What had the noble lord done? Had he taken care of late years to provide money by taxes adequate to the interest of the loan? No such thing. He had gone on from year to year borrowing immense sums, and neglecting to provide taxes adequate to the payment of the interest. The consequence had been, he had taken the sinking fund, which ought only to stand as a collateral security, for the interest to the money lender, and made it answer the interest itself. Thus this year, knowing as he did, that the nation still owed 200,000*l.*, as he had that day avowed, and knowing, that instead of 800,000*l.* he ought to have taxed for a million, he comes and taxes for the mere sum, towards payment of the interest of this year's loan. This it was that he reprobated on Wednesday last; this it was that he reprobated then; and this it was, that he would continue to reprobate, till the noble lord did his duty, and provided for the deficiencies of the former taxes. With regard to those proposed this day, he had not much considered them, but there were two, which struck him as very unwise, and as highly impolitic, and those were, the tax on insurance policies from fire, and the tax on carriage of goods inland. The first of these appeared to him to be a very foolish tax, the latter a most improper one. The tax on carriage of goods struck him as the worst that could possibly have been devised; it was a tax on the convenience, the labour, and the industry of the people. A tax on the means of taxing, and such a tax as he should have thought no man in his senses would have ventured to meddle with. The noble lord had said with an air of triumph, that he had more eligible taxes, and particularly one to produce 800,000*l.* which he did not prefer, but he had not told the committee what those taxes were; how, then, were they to know, whether the taxes proposed by the noble lord, or the taxes not proposed, but which, he said, he had, were most eligible? He knew not, for this reason, that they were more eligible, and he sincerely believed, that this fine productive tax of 800,000*l.* was not only a secret to the House, but to the noble lord himself; but with regard to the two he had objected to, the tax on insurance policies, and the tax on carriage of goods by land and water, he would venture to say, not any taxes could be more ineligible. He meant not, however, to take the sense of the committee upon them, or to oppose them; and that, for this very good reason, he knew that the noble lord would, as usual, exclaim, If you object to one tax, you ought to find another. The noble lord had talked of the late resolution of the House in a taunting manner, and he had, on Friday night, jeeringly called the majority of Wednesday se'nnight a glorious majority. However he might be inclined in general to be diverted with the noble lord's pleasantry, he could not approve pleasantry at an improper time. God knew, that was no hour for merriment, and he begged the noble lord to remember, that his jests had cost the country dear enough. He had no ambitious views to his place he did assure him, but it was high time there should be some government. At present there was none at all. He advised him, therefore, to let something be decided, and not to suffer the country to remain in such a lamentable state. He had thought the noble lord would have gone out, and he had depended upon, what he was ready to agree, was the most foolish reason in the world for any man to depend on—on the noble lord's own promise. He did beg him, however, not to flatter himself with the division on Friday last. The trifling majority of ten was nothing, and the noble

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lord must know in his own mind, that virtually a majority had decided against his continuing in office. Possibly the noble lord meant, according to his old custom, to abandon his former doctrines, and set up the prerogative of the crown against the voice of the people, speaking through that House, of which the noble lord had shewn himself for some time ready to profess a much higher opinion than he was ready to entertain. The noble lord might possibly intend to justify the right of the crown to appoint its own servants, and to stand on that footing against the sense of parliament. Be it so, but let the noble lord avow it in the face of the House boldly and manfully, and some way or other patch up the matter soon. There must be a scuffle on the occasion, and the sooner that scuffle was over the better. He did assure the noble lord, that in what he had said then, and in what he had said formerly, he meant not to press upon him in an unhandsome way, he meant not to goad him, or run him down, or say any thing that should hurt his mind, or make him uneasy. Upon his honour, he had no such intention, and though he asked not pardon of the chairman, nor of the committee, for what he had said, he asked pardon of the noble lord, if he had offended him, for he meant it not; but he must continue to urge him to retire, and the sooner he did so, the doing it would have the more dignity, and would be accompanied with the less disgrace. Before he sat down, he informed the committee, that on Friday next, a motion of the utmost importance would come before the House.

The Earl of *Surrey* said, he by no means thought the taxes, as proposed by the noble lord, so good as might be found out; and with respect to the tax on tobacco, it was, in his opinion, highly impolitic, especially as we were in hopes of a peace with America. The noble lord had therefore estimated it at a very large sum, when he laid it at 141,333*l.* Another of the taxes, that of carriage upon goods, had been so ably pointed out by his hon. friend that he should say little upon it; but he could not help remarking for a hint to the noble lord, that iron was a very considerable article in the manufactures of this kingdom; in short, the hardware business was one of the staple commodities of Great Britain, and would be materially injured, if the same exception did not take place for that as was to be observed for manure and other things necessary for agriculture. The towns of Birmingham, Sheffield, and Wolverhampton, consumed amazing large quantities of iron, and the trade would, in a great measure, be stopped, if the additional duty proposed on carriage took place. The duty upon salt, he was of opinion, the noble lord had stated by far too high, for he had grounded it upon the present consumption, making no allowance for the deficiency that generally happens on the price of any article rising. With respect to taxes on public places of amusement, he was not against it, yet he had always considered our public theatres as places not only of rational amusement, but of great instruction and improvement. In many capital cities and market towns there are theatres which are not licensed, and which are only on sufferance; but by this means his lordship would license every stroller, which he could not think was a wise or politic act.

After some further conversation, the several Resolutions were agreed to.

March 12. Mr. Ord brought up the Report from the Committee of Ways and Means.

Lord *Mahon* rose to ask some questions relative to the new taxes: to many of them he had several objections; but as he did not intend to make a formal opposition to them, would confine himself to a few considerations relative to soap. The tax upon this article he thought not only prejudicial, but impolitic; and in his mind, the duty on salt was connected with it, as far at least as was necessary to support him in the observation he was going to make. It was the business of a statesman to encourage our own manufactures, and to lessen importation as far as possible; the noble lord in the blue ribbon had stated, that the price of soap had fallen, because barilla had greatly fallen: if the cause of the decrease in the price of soap arose, as was stated, from the fall of barilla, there was no great reason to rejoice at the event, as it arose from a circumstance which was greatly against this country in point of balance of trade; for he understood that the imported barilla had amounted this year to the very great sum of 300,000*l.*; now if it was the interest of a country to lessen its imports, without cutting off the materials necessary for its manufactures, it was likewise bound to encourage every attempt to effect so desirable an end; a discovery had been made some time ago by one of the greatest chemists in this king-

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dom or in Europe (Dr. Higgins), by which soap might be made without barilla, which was supplied by a composition from our own earth; so that by this discovery, not only the price of soap would still continue to be reduced, but we should be able to keep at home the 300,000*l.* which we sent every year to Spain for barilla, unless the effects of the discovery should be destroyed by the noble lord's tax upon salt. The discovery went to make a mineral alkali by means of rock salt; but if the salt was to be taxed, the infant manufacture for which the discoverer had procured a patent, could never support the accumulated burden of taxes: the new tax would also hurt the manufacture of glass, which the discovery would render much less expensive. He therefore hoped that the noble lord would in policy exempt rock salt from the new tax.

Mr. *Hussey* declared that he had looked over the papers, and that the deficiencies of former years, although stated by the noble lord on Monday to be no more than 200,000*l.* were absolutely 598,462*l.* consequently a great part of the present taxes must be applied to the payment of these deficiences. He accused the noble lord of being a bad financier, and asserted, that he was continually borrowing money at compound instead of single interest.

Lord *North* did not deny the accusation of the sum being 598,462*l.* but said the accounts stated two ways would appear quite different, therefore either he or the hon. gentleman might be right. The whole of the deficiency last year was as he had said, but that was temporary; the permanent deficiencies would be but 170,000*l.* He informed the House, that on account of the vast extent, and the opposition that was likely to take place on the tax for a duty on the carriage of goods, that tax would be made into a separate Bill from the other taxes.

Sir *George Yonge* spoke in favour of the theatres, and contended that the middling order of people ought to have some place of innocent mirth after the toil of the day, but the tax proposed was a very indecent one, for a man could not go to a theatre for amusement, but the first object that would appear to him, would be a tax-gatherer to damp his joys, and put him in mind of the misfortunes of his country; however, he said, on nights when a large number of people assembled, he made no doubt, but the sudden gust into the theatres would overturn the tax gatherer, and make it a difficult thing for him to regain his station again for some time.

Mr. *Sheridan* said, he had determined to avoid saying a single word on the subject of the tax on theatres, as it was an aukward and embarrassing circumstance for any member to speak in opposition to a tax, when he happened to be materially concerned in the object of it. If he alone were interested, perhaps he should have taken no measure whatever on the subject; but as a very extensive property of others, as well as the welfare of numbers employed in that property, were concerned, it would be unjust to them, and an abuse of their personal confidence in him, were he to be inactive in the matter. It was not, however, his intention to trouble the House with opposing it then; he meant to pursue a very fair method in laying before the noble lord at the head of the Treasury, his objections in writing, with a real and candid state of the question. The product of the tax was but a trifle to the public, in comparison of the injury it would do to private property, and the oppression with which it must be collected.

The Resolutions of the Committee were then agreed to by the House.

Cricklade Election Bill.] March 13. On the order of the day for the House to go into a committee on the Bill to prevent bribery and corruption at future elections for the borough of Cricklade,

Mr. *Adam* opposed the Speaker's leaving the chair, and contended, that it was unjust and cruel to punish the whole borough of Cricklade for the faults of a few bad men. He put a case: supposing some electors of the city of London had been found guilty of corruption, would it be right to disfranchise the city for the acts of a few? Certainly not; and it would be dangerous if the constitution of this country was to be changed on such trifling grounds. The present Bill was, he believed, the first instance of such an attempt, and he hoped it would not pass into a law. He should therefore oppose the Speaker's leaving the chair.

Mr. *Perceval* spoke likewise in favour of the Cricklade voters. He was extremely fearful the constitution would be endangered, if those men were precluded from doing as they formerly had done, and contended, that the present Bill would be extremely hard on the honest part of the borough.

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Sir *G. Yonge* was surprised to find any gentleman rise to defend the voters of Cricklade; to complain, that the Bill would hurt the honest part of the borough, was a mere farce, for he did not think there was an honest man in all Cricklade. If gentlemen would give themselves the trouble to read the minutes of that election, they would find the voters declared that man most honourable, who bribed them highest; and when they had almost drained their candidate's pocket, they declared his honour was considerably decreased. Surely, such a set of men ought not to be suffered to elect representatives; if they did, it was not to be wondered that the present House of Commons was so corrupt. The Bill in question did not go to take away the right of voters in the old inhabitants, it only was meant to add a sufficient part of the freeholders of adjacent hundreds, so as to make the bribery which usually attend small boroughs impracticable; and he protested that he could wish the same custom was observed throughout the kingdom; then we might stand a chance of a fair and equal representation, which, according to the present method, seemed impossible.

Colonel *North* defended the voters, and said it was extremely hard upon them, as the corrupt part had been prosecuted at law, and punished for their corruption; but the present Bill would materially injure those men who had been prosecuted, and, after a trial of their country, were found honest.

Lord *Beauchamp* was against the Bill, and contended, that being indicted for corruption, the penalty of which was 500*l.* was a sufficient punishment; and that chastisement had been followed up on the Cricklade voters, more than on any other body of men in the kingdom; besides, as the assizes were now sitting, and a prodigious number of causes were to be tried at Salisbury, on account of the late election, he thought the Bill would send the persons to be tried under a degree of censure, which was not fair nor just: he was of opinion with Mr. Adam, that it was not right to alter the constitution for such frivolous affairs. He mentioned the case of Shoreham, and said, what had been done there, was necessary; but in the present case it was not. He hinted, that if the Bill was carried in that House it would be thrown out in the Lords.

Mr. *Montagu* said, he had the chief management of the Shoreham Bill, and he recollected perfectly, that on shewing it to that great lawyer (lord Camden) he perfectly approved of it, and the late earl of Chatham made use of this remarkable expression, "I am glad to find the borough of Shoreham is likely to be moved from Bengal, and restored to its ancient situation in the county of Sussex." Whether the borough of Cricklade was to be removed from Wiltshire to the East Indies, he knew not; but certain he was, that unless some necessary prevention took place, that borough would always be corrupt. The Shoreham Bill, he said inflicted pains and penalties, and disfranchised particular persons; the present Bill was by no means so severe: it was founded on a principle that would, if observed throughout the kingdom, be of infinite service.

Mr. *G. Onslow* was much in favour of the Bill. He declared himself an enemy to such corrupt practices, and his astonishment at any person defending them. If the Bill was thrown out in the Lords, or an unnecessary delay was made use of there in not passing it, he should move an enquiry into such cause, for he by no means considered it decent for them to interfere in matters respecting that House. If they threw it out, he would move an Address to his Majesty for the purpose to which the present Bill was intended; and he hoped some gentleman would move that the issuing of a writ for Cricklade be further delayed.

The question being put, That the Speaker do now leave the chair, the House divided:

Tellers,

YEAS	Sir Harbord Harbord Lord Mahon - - -	96
NOES	Mr. Adam - - - - Mr. Perceval - - -	25

So it was resolved in the affirmative.

Debate in the Commons on Sir John Rous's Motion for withdrawing the Confidence of Parliament from his Majesty's Ministers.] March 15. Sir *John Rous* said, that it might be deemed presumption in him to take upon himself to renew the discussion of a question which had been so ably opened by a noble lord, and no less ably seconded by an hon. friend of his, on Friday last: still he thought it so much his duty to his constituents, to his country, and to himself, to bring that question again before the House, that he had rather be deemed presumptuous than refuse to

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do that which he felt to be his duty as a man and an Englishman. No one, he said, could suppose that he was actuated, in any degree, by a spirit of party; it was well known, and he was not ashamed to confess it, that he was descended from a Tory family, and had been bred up in Tory principles: this circumstance alone, he hoped, would screen him from any imputation of being devoted to a party adverse in general to administration. From the first dawn of the American war, he had felt the injustice and impolicy of it; and he came into that House its declared enemy on principle: but at the same time that he was an enemy to the war, he had come into parliament highly prepossessed in favour of the noble lord in the blue ribbon; and he had felt such a respect for his character, that he would have gone great lengths to support him; but when he found that the noble lord persevered blindly to pursue measures, which had already reduced the country from a state of glory and prosperity to calamity and disgrace, he should deem himself an enemy to his country, if he did not exert every faculty to remove him; because, in his continuance in office, he could see nothing but ruin to the country; by his removal, that ruin, perhaps, might be prevented. A right hon. Secretary of State, (Mr. Ellis) had, on Friday last, in some measure, thrown down the gauntlet, and in a tone of defiance, had asked where could be found better ministers than those who were already in office? The question, in his opinion, conveyed an insult to the understanding of the House: every one knew the consequences that had already attended their administration; the loss of greatness, glory, and dominion, had marked that administration, and yet the House was to be insulted with questions that seemed to imply that the present ministers were so famed for ability, that greater or more able men could not be found to succeed them. The weight of public calamity was felt every where; and he wished to know if there was a single independent member, who could lay his hand upon his heart and say, that he did not believe the noble lord in the blue ribbon to be the author of this calamity; the author of the American war, and of the long train of evils that had already attended it? After various other observations of a general nature, he concluded by moving the following Resolution:

"That this House (taking into consideration the great sums voted, and debts incurred, for the service of the army, navy, and ordnance, in this unfortunate war, to the amount of upwards of 100 millions; and finding that the nation has, notwithstanding these extraordinary exertions, lost 13 ancient colonies belonging to the crown of Great Britain, the new-acquired province of West Florida, and the islands of Dominica, St. Vincent, Grenada, Tobago, and Minorca, besides several valuable commercial fleets, of the utmost importance to the wealth of this country; and that we are still involved in war with three powerful nations in Europe, without one single ally) can have no further confidence in the ministers who have the direction of public affairs."

Lord *George Henry Cavendish* seconded the motion; and said he did it from no other motive, than that of doing his duty to his country; without ambition to urge him, or resentment to gratify, his only object was to contribute every thing in his power to save a sinking state: he had no intercourse with ministers; he was very little acquainted with them, and therefore the step he then took, could not be for the purpose of distressing men, who had never injured him: the situation of the country was such, that he feared its affairs could scarcely be retrieved by any set of men in the kingdom; but if they could, it must be by taking them out of the hands of those ministers, who, in his opinion, were the authors of all our present calamities.

Mr. *Harrison* said, that after the very full and repeated discussions which the subject before them had undergone in the debate of this and the preceding days, he feared it might seem presumption in him to think any thing he might be able to say worthy of the attention of the House; but he confessed it was a matter that went so near his heart, and in which he considered the interest, nay, even the existence of this country so essentially concerned, that he could scarce reconcile it to his mind, only to give a silent approbation of the motion. He said, notwithstanding every sense of shame had been held out to ministers, painted in the strongest colours, for the repeated disgraces they had brought upon this country, by captured armies and flying fleets, notwithstanding every feeling of humanity had been so strongly touched by the melancholy spectacle of this country, bleeding at every vein, from the pernicious councils that

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have been pursued; yet they saw ministers sitting unmoved and unconcerned, totally regardless of every national calamity, intent only on what was to them their great object, the increase of that influence, which might be the means of their continuing to enjoy the emoluments of their places, and which had enabled them so long to be the scourge of this unhappy country. He said, the House could not but admire the sagacity of the noble lord in the blue ribbon, in pointing out to his friends that he had another tax in embryo, fully sufficient for another year's loan and expences, even if they were greater than the present. A noble lure to his wavering friends! Glad tidings to the chosen band! Tidings of such joy must be sure to be sufficient to bind them steady in the noble lord's support. For though he would give the noble lord perfect credit, that neither he nor his coadjutors in the Treasury, gave any list of persons who they might wish to have any share or participation in the loan with these four gentlemen, who engaged for the whole, yet he had too good an opinion of the gratitude of the hon. gentlemen, to think that they could be so unmindful of the preference that had been shewn them, as not even to anticipate the wishes of the noble lord, in giving such part, at least, to members of that House, who might desire it, as would be sufficient to make them steady in that list, which by way of pre-eminence, he said was distinguished as the honourable appellation of the King's friends, in contradistinction to those factious and dangerous spirits, who had so uniformly resisted those wise and salutary measures of his Majesty's ministers, that had brought this country to its present much-to-be-envied situation. He then said, it was in the recollection of this House, when, in the last session, the people called so loudly for a reformation and retrenchment in the public expenditure, that ministers declared it was by no means to be inferred, though they did not think proper to adopt the plans then produced, that no other expedient of the same tendency might hereafter be brought forward; that the people were to look to the commission of accounts as a measure so extensive in its operations, as, perhaps, to make any other expedient for that purpose unnecessary. Upon such vain and delusive shadows, they had granted above 20 millions of public money, and from that time to this, they had never heard one word about economy, or one step taken for a revision and reformation in the public expenditure; not one single unnecessary office, or unmerited pension, either abolished or diminished, but the same, nay, even greater profusion and prodigality, continued through every department in the state: and even but the other day, ministers were hardy enough, instead of conciliating the dissentions in Ireland, to add 10,000*l.* to the pension list; at a time when that country was on the eve of shaking off every degree of subordination to the government of this kingdom. He then said, sure, Sir, if there was no other cause, that total neglect and disregard that ministers have uniformly shewn to the interest of this country, and every request of the people; and that determined resolution they have shewn to frustrate every measure tending to any reformation or retrenchment in the public expenditure, a measure which, notwithstanding the noble lord's boasted resources, is the only prospect of salvation to this country, must be sufficient to justify every exertion for the removal of persons, who have the interest of this kingdom so little at heart. But, Sir, strong as these reasons may appear, when we turn our eyes to the active line, that ought to follow such extraordinary exertions of the resources of this kingdom, they become light as air, when they are set in competition with the ruinous consequences that must necessarily follow from divided and irresolute councils, in this time of general difficulty and danger, shackled as ministers have declared themselves to be from having lost the confidence of this House, compelled to carry on the war only in a manner they declare they disapprove, and the only road to peace being the path they have declared themselves so unwilling to tread; what are we to expect from the continuance of the councils of men under such circumstances? What but the sacrifice of the interest and very existence of this country for the sake of emolument to those who have been the authors of all our calamities? Can any one be so blind, as not to see the consequences that must follow; can any one be so unfeeling, and seeing those consequences, as not to use all his endeavours to prevent them? He begged pardon of the House for trespassing thus much upon their time, but he could not help wishing publicly to declare his sentiments; and whatever calamities might fall upon this country, from the obstinacy of men per-

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sisting in holding the helm which they could not guide, he declared he washed his hands of them; let those tremble who had been the occasion of them!

Sir *Richard Symons* was the first who spoke in favour of administration. He replied particularly to that question put by sir John Rous, if any independent member could lay his hand upon his heart, and say that he believed the noble lord in the blue ribbon was not the author of the American war, and of the present public calamities? He said he felt himself as independent a man as any in that House; and, laying his hand upon his heart, he was able to say in truth, and upon his honour, that he believed this war and the public calamities were not to be imputed to the noble lord; but to the extraordinary and unjustifiable opposition that had been given to the measures of government. He had the highest respect for the abilities and integrity of the noble lord; and as he could not impute to him, what he verily believed to be the effect of that opposition, to which he had already alluded, he declared he would give his hearty negative to the motion.

Mr. *George Onslow* said, there was one part of the doctrine frequently maintained by the other side of the House, to which he was most ready to subscribe; and that was, that the American war was the source, origin, and cause of all our present misfortunes. Having granted this, there remained to enquire, before gentlemen could vote on either side, who was the cause of that war? This was exactly the point in issue: the gentlemen on the other side had asserted, that the noble lord was the cause of it; he would undertake to prove the contrary. To find out the source of that unfortunate war, it was necessary to go back a little, and to consider of some facts antecedent to the administration of the noble lord. In his enquiry, the first thing that occurred to him was the Stamp Act. He thanked God he never gave a vote for that Act; for he believed in his conscience, that it was the source of all our public calamities. The Americans rose up against it as one man, and would have plunged into a war, if it had not been repealed: but what followed the repeal? A Declaratory Act, which gave as much offence to the Americans as the Stamp Act; for it maintained and asserted that right of sovereignty which the Stamp Act was calculated to enforce. Of this Declaratory Act the Congress in their manifesto had spoken in the most severe terms, and complained of as the greatest grievance.—The nation at large upheld the idea of sovereignty over America; all that was great in England had sanctified the idea with their suffrage and authority; nay even the great lord Chatham himself had declared in full parliament, that if America should manufacture a stocking, or so much as forge a hobnail, he would make her feel the whole weight of the power of this country. The principle of the war, therefore, had been held by Mr. Grenville in his Stamp Act; by the marquis of Rockingham in his repeal of it; and by the great earl of Chatham himself, in his speech upon the Declaratory Act. The principle of the war having, therefore, been in fact supported by every description of men, both in and out of office, it remained only to enquire into the causes of our failure of success. In his opinion, one great cause was, the countenance that had been given in that House to the American rebellion: general Washington's army had been called our army, the cause of the rebels had been called the cause of liberty; and every species of encouragement had been given to induce them to hold out under a confidence that they had a strong party in the House of Commons in their favour. The highest praises and encomiums had been bestowed on Dr. Franklin and Mr. Laurens; some members would wish to live with them in prison sooner than with those who were loyally supporting the cause of England over rebellion: it was customary in that House for the avowed friends of American rebels, to point out the weakest parts of our government; but he believed they did not confine themselves to the species of information that might be given to them from within those walls; it was reported, and he believed it in his conscience to be true, that information had been sent to the court of Versailles (here was a cry of—By whom? name, name) Mr. Onslow in reply, said, he could not tell; or if he could, he would not; all he would say, was, that he had not been in Paris since the war had commenced. Recapitulating his arguments, he said, that as the Stamp Act and the Declaratory Act had been the real cause of the war; as the greatest men in the nation, of all denominations, had supported those Acts, and that from them of course, more than the present ministers, the American war had sprung, it was impossible for him to agree to a

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resolution, which unjustly went to fix the whole blame of it on the noble lord, and therefore he must give it a direct negative: and the more so, as he believed in his conscience, that the want of success in that war, in which the whole nation had concurred, was to be ascribed to those who from the beginning had declared that they would be sorry it should prove successful.

Mr. *Adam* observed, that though the proposition, then before the House, was calculated to produce the same effect, that would have flowed from that which was rejected on Friday last, still it struck him that there was an essential difference between them. The former propositions, four in number, were to be followed by some other with which the House was unacquainted; but this came fairly before them, and they knew its extent. The proposition of Friday last, plainly charged ministers with want of foresight and ability; the resolution now before the House contained no such charge; but seemed to imply, that because they had been unsuccessful, they ought to be removed. Here a question very naturally occurred, Why have they been unsuccessful? The arguments to be brought in support of the different causes that might be assigned for that want of success, would be decisive of the question in debate. That they had been unsuccessful was a fact, which could not be controverted; but that the failure of success, and the loss of our various possessions, enumerated in the motion, should be ascribed solely to ministers, was an assertion that plain, open, fair reasoning, must condemn. It had been urged very ably on Friday last, by a learned lord under him, that ministers had fitted out a fleet adequate to the destruction of the French fleet under M. d'Orvilliers; the success that was, and ought to have been expected from that great fleet, did not follow: but were ministers to blame for that? Did not the cause lie somewhere else? The hon. admiral, who was first in command in that fleet, had laid the blame on one of his flag officers; that flag officer retorted it upon the commander in chief: it was not now the question to enquire which was really the guilty person: but this much might be inferred from the recrimination, that neither laid the blame upon administration; neither said that the force under their command was inadequate to the end for which ministers had sent it out. If, then, it was equal to the object of destroying the French fleet, and the present calamities of the public might have been prevented by the successful exertions of the fleet under these two honourable admirals; then the obvious consequence must be, that ministers ought not to be charged with the losses which followed a miscarriage that ought not to have been expected, and against which ministers had sufficiently guarded, by sending out a superior force to meet the enemy.—The resolution before the House stated, that we had not a single ally: it was a melancholy truth; but would gentlemen think it just or fair, or equitable, to impute this to ministers as a crime, before they should have heard what steps had been taken by ministers to make alliances. It had been stated by the Secretary at War on Friday last, that the state of this country, at the conclusion of the last war, was such as had excited the envy and jealousy of all Europe: this circumstance, which was undoubtedly true, was to all those, who like himself, had no information on the subject, *prima facie* evidence, that if we had no allies, it was to the envy and jealousy of the neighbouring nations, and not to the neglect of ministers, that our want of allies was to be ascribed. It was well known, that from the nature of our government, we could not make either exertions for war, or negociations for peace, with that celerity and secrecy which were to be found in an absolute monarchy. In France, where, from the nature of the government, all exertions and negociations might be carried on with every species of secrecy and dispatch, the ministers of Lewis 14 were not able to get a single ally in the Succession war: the abilities of that monarch's ministers were known, and famous through the world; and yet with all the advantages of their government, (which by the bye were purchased at an extravagant rate, when at the expence of liberty), and with all the abilities of some of the ablest ministers that Europe had ever seen, France, in the war of the Succession, stood singly and unsupported against almost all Europe. The House of Austria, in the zenith of its power, had stood in the same predicament, and the very same cause that left the Houses of Austria and Bourbon to struggle, unsupported, had left us in our turn without an ally: that cause was the apprehension of all Europe at the enormous power of Britain. That the sum of 100 million had been expended in the war with

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America he would not deny: but did that criminate ministry? Had not as great sums been expended in former ministries in as little time? And with respect to the deficiencies, and the state of darkness which the noble lord was said to keep that House in about the true situation of his affairs, he believed the accusations were unjust, for greater deficiencies had been accumulated by ministers, which the public had so much praised, at the time the late lord Chatham took the administration of this country. With respect to the other part of the question, that we had lost 13 colonies and many valuable islands, he allowed the motion stated it so, yet it was not his opinion, that the fact was so; and until it was proved, he would not allow it.—The splendour and success of the exertions of this country in the last war ought not to be brought as proofs of the want of ability in the present administration. The cause of that splendour and success he could trace beyond the administration of lord Chatham. At the very outset of the war, and before the French expected hostilities, the then ministers had seized the French merchantmen, and deprived the navy of France of such a number of seamen by that stroke, that during the whole war it was not able to recover it. This was the great source of all that success which afterwards attended the exertions of this country. If the present ministers had provoked the French war by a similar act, very likely similar success would have rendered their administration as renowned as that of any of their predecessors. It was urged in a former debate, that parliament could not, and ought not, to take the assurances of ministers, as a security for the promises they had made to pursue such measures as might put an end to the war in America: the House therefore had passed a resolution, that must put it out of the power of ministers any longer to pursue a continental war in America; but still, not satisfied with this, they now urged that as ministers did not approve of this resolution, so they would not take care to act up to it with steadiness and fidelity. But he saw no grounds for supposing that ministers would not strictly adhere to that resolution; because in the first place, they were not enemies to the spirit and principle of the resolution; but had opposed it merely on the ground of expediency, lest by a too great eagerness to make peace, we might delay, instead of accelerate that great object of every man's wish: in the next place, they had all along declared, since the resolution had passed, that they would make it the rule of their conduct, and that they respected both parliament and themselves too much, to depart from it in the smallest degree. But if the present ministers were to retire, what system would be introduced? Could any one tell? Were those who from their situation and abilities were the most likely to succeed them, so thoroughly united among themselves, as to have formed any system of government? One gentleman was for septennial parliaments; another very respectable member was for triennial; while a third was for annual parliaments. One noble lord, in the other House, was for diminishing influence, but without infringing upon the dignity, splendour, and prerogative of the crown; and another, of equal character, was for taking away influence even at the expence of prerogative. It was upon the ground of this difference of opinion, that a right hon. Secretary had, on a former day, asked, if there were better ministers ready to succeed, if the present should retire? And he thought that this was a very good ground for reflecting seriously, before any resolution of such moment, as that which was before the House, should pass. Seeing the question, therefore, in every point of view, he must give it a flat negative. His opinion was, that in the present most critical situation of public affairs there ought to be a coalition of parties, for every thing that was great and splendid in the empire should now be united for our deliverance.

Mr. *Marsham* differed in many respects from the hon. member who had spoken last. The honour of the country had been tarnished in the hands of the present administration, and its naval empire had been lost; this was sufficient reason for him to wish to have the present ministers removed; for from the measures of those by whom so much had been lost, he could not hope that any thing could be recovered. He had no objection to them as men: measures were his object; and if those who were out should pursue the measures of those who were in, he would be as great an enemy to them as he was now to the present ministers. But those who were out stood pledged to diminish the influence of the crown, to banish prodigality from the Treasury, and to introduce a system of œconomy in its room: and if, when they should come into office, they should

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swerve from those measures to which they had so solemnly and so repeatedly pledged themselves, he would look upon them as the worst of traitors to their country.—When the hon. member mentioned the different opinions respecting the duration of parliament, and concluded from thence that the men in opposition had no bond of opinion or system; he certainly must have been in jest; his argument was so farcical, that he could not treat it seriously. He had said also, that to the seizing of the French ships in the beginning of the war was to be attributed the glorious success that had crowned it. But was this the fact? Had we not been unsuccessful in the beginning of the war at Minorca? And at what period of it did the action between Hawke and Conflans take place? Was it not after that period to which the hon. member had alluded? It had been asked in a former debate why no notice had been taken of the success of sir Samuel Hood in the West Indies? He was ready to pay every tribute to that able officer, who greatly deserved the thanks of his country, for the spirit and abilities which he had displayed on a late occasion; but what merit could ministers claim to themselves from his conduct? It was the superiority of his gallantry and skill, not the superiority of his fleet that triumphed: they had left him with an inferior force: if with that force he performed wonders, ministers were not, on that account, entitled to any praise.

Mr. *T. Townshend* rose to animadvert on Mr. Adam's mode of reasoning: he had not at all a doubt, he said, with a sarcastic tone of voice, but the hon. member spoke from conviction; and yet if a new administration was to take place, he should not despair of having the assistance and support of that hon. member. He alluded to the arguments urged in favour of ministers, to exculpate them from the charge of having left us without allies to fight against the world; if the greatness of our power had raised up enemies against us, that greatness, thanks to ministers! was now no more; but still we were without allies.

Mr. *Filmer Honywood* said, that he would always be glad to support administration; that there were among the present ministers, men for whom he had the greatest respect; men for whom he would willingly make some sacrifices; men for whom he would sacrifice resentment against others of them; men, in a word, for whom he would sacrifice any thing but his honour, his conscience and his country. The moment was now come, and he must either give up those men, or sacrifice these dearest objects of an honest man: between the two alternatives he could not hesitate a moment; and therefore he must give his sincere support to the motion.

Mr. *Charteris* spoke against the motion. He found fault with the language which was often held in that House relative to certain situations of the country, which in prudence ought not to be mentioned; of this kind was the language which an hon. member had used respecting Ireland; for, in his opinion, it would be better to be totally silent on so delicate a subject. The same species of language had often been held respecting America; and the consequences of it had not been advantageous to this country: in fact, he believed, that to the great latitude of speech in which gentlemen indulged on the injustice of the American war, were to be ascribed, in a great measure, many of those calamities which were now said to be the fruits of the present administration.

Sir *T. Clarges* expressed himself much in favour of the motion, and owned his surprize that any gentleman could vote against it, for it contained nothing but a series of facts which were known to all the world.

Mr. *Martin* spoke likewise in favour of the motion, and did not wonder at the noble lord being supported, as he had thrown out a hint last Monday to his troops, that he had another tax in petto of 800,000*l.* which would occasion another loan for them to share.

Mr. Alderman *Sawbridge* supported the motion, and contended, that the ruinous state of our affairs at home, the decay of our manufactures, and trade, called loudly for a change of men; for whilst the present ministers remained in office, there was but little prospect of any good accruing to the nation, as they had not the confidence of the people. He thought, that having opposed the American war from its beginning, he must act very inconsistently, if he did not vote for a resolution which went to remove those men who had brought on the war, and the long train of evils that had followed it.

Sir *James Marriott*, before he would speak to the inference which concluded the resolution before the House, thought it proper to examine if the premises from which it was deduced, were founded in fact. The resolution stated, that we had

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lost thirteen colonies: Was that a fact? He would answer in the negative; we had not lost them; but we might lose them by our eagerness and precipitation. If peace was our object, nothing could tend more to delay that blessing, than such forwardness to embrace it. What was wisdom in private life, was likewise wisdom on a larger scale. If a man in private life wished to make a good bargain, could he do any thing more effectual to frustrate his own wishes, than to shew an eagerness in the business? If he was to make a purchase, the person of whom he wanted to purchase, would certainly rise in his demands, in proportion as he saw the other eager and anxious to buy. In public life the like cause would produce a like effect; if therefore gentlemen did not wish for such an effect as he alluded to, then they should not give into a resolution which would most certainly give rise to the idea of our impatience and dejection. He observed, that if any man was unlucky at cards, it would be rather childish to change packs, as if there was more good fortune in the second than in the first pack. If among the present ministers there were some good, some bad, why should they not make a discrimination, and not come with a sweeping clause to carry them all away, like Van Tromp, with his broom at his top-mast head, to sweep the Channel? Why did they not, like a good sportsman who singles out his bird, or his deer from the flock, single out the man whom they thought guilty, and give him a trial? It was very singular, that when gentlemen in opposition had thought proper to institute an enquiry into the conduct of one single minister, there was a greater majority by nine in his favour than there had been in favour of the whole administration on Friday last; and yet that minister was one who had been, in the coarsest language, charged with perfidy and treachery; and of that minister he would say, that a better he believed could not be found in the country. He had heard the late earl of Bristol say, two days before his death, that if there was a man in the kingdom, who was not a professional man, that was fit to preside at the Admiralty board, it was the earl of Sandwich. Yet that great minister, and he wished all his colleagues were as great as he was, had been blamed for not making ships and docks in every part of the kingdom. He was blamed for not building ships of the line in 95 days. Ships did not spring up in an instant: it was not here, as it was in Holland, where houses were constructed, ready built, [a laugh]. He explained this by saying, that the frames of houses were often all finished in Holland; and as one might be purchased of any size, so there was nothing wanting after the purchase, but merely to put the house together. He then endeavoured to prove the justice of the American war: he said that if taxation and representation were to go hand in hand, then this country had an undoubted right to tax America, because she was represented in the British parliament: she was represented by the members for the county of Kent, of which the thirteen provinces were a part or parcel; for in their charters they were to hold of the manor of Greenwich in Kent, of which manor they were by charter to be parcel. This opinion raised a very loud laugh; but sir James continued to support it; and concluded by declaring that he would give the motion a hearty negative.

General *Smith* disclaimed any party spirit or resentment to any man on the present occasion; he had in that House always opposed the measures of government; but in another situation (at the India-house) it was well known he never had endeavoured to clog the wheels of government. The measures of the present ministers were in general, he said, weak and impolitic: this had appeared conspicuously in the expedition that they had fitted out against the Cape of Good Hope; and he was free to say he rejoiced in the failure of that expedition; he rejoiced that M. de Suffrein had arrived time enough at the Cape to frustate the design against that settlement, for he verily believed that if we had made ourselves masters of it, we should have lost some of our most valuable settlements in the East Indies. The troops that were destined to attack the Cape were now gone, he thanked God, to India, where they would give a turn to our affairs, that would secure our settlements in that part of the world. As to the late affair at St. Kitt's, it certainly redounded infinitely to the honour of sir Samuel Hood, who had done much more than could have been expected from him; but those must be very little acquainted with the nice sense of honour in a French general-officer's breast, (and of such an officer as M. de Grasse, who had already acquired so much honour in the Chesapeak) who could

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bring themselves to think that, with a superior fleet, the French admiral would retreat, and leave 8,000 of his sovereign's troops behind him at our mercy. The general concluded by giving his hearty assent to the motion.

Mr. *Hill* observed, that the learned gentleman (sir J. Marriott) had verified the poet's opinion: "Omne tulit punctum qui miscuit utile dulci." The learned gentleman had mixed the utile and dulci very well: he did not know whether he was expert at playing at cards, at shuffling and cutting, but this much he was sure of, that he had made something by honours. He spoke next of some members of the present administration, for whom he had the greatest respect, and of whose honour, integrity, and abilities he had the highest opinion; but if the time was come, when the safety of the state required new men, that consideration must, with him, absorb every other. He then quoted a passage from Gibbon's Decline and Fall of the Roman Empire, in which the Roman emperor was obliged to withdraw his troops from Britain; the legions were recalled before any charge of tyranny could be brought against the prince, and protection and allegiance were forgotten, while on the other hand, the two nations remained in some measure united by a reciprocity of good offices. Upon this quotation he made a parody, which was very applicable to Great Britain and America. He said he would recommend, only he was afraid of being thought to savour too much of the enthusiasm of the last century, to the nation, if it wished to be saved, to turn to Jehovah, and appease his wrath; for whenever a people turned their back upon God, the sacred history said, he never failed to give them up to their enemies. For his part, *pro Christo et Patria* should ever be his motto. He certainly would vote for the motion; though at the same time he should rejoice if a coalition could take place among those who were out, and such of those who were in, as he thought amiable, worthy, and deserving characters.

Sir *W. Dolben* said, that for the vote he had given on Friday last, he had been made the subject of censure and abuse, and by one of his best friends in that House he had been treated rather harshly; but still he was more inclined to think that it was rather from the ebullition of public zeal than an intent to offend him. He had been abused also in the public prints. In one of them there was a paragraph, which stated that sir William Dolben had risen to speak; but having just said hem! he was unable to say more. This certainly was not the case; but if it had, there was more wit in the paragraph, than might be imagined: for it was a fortunate circumstance for a man, who might be going to say something hasty and improper, to be able to choak it with a hem, and sit down. He then took notice of the praises which had always been bestowed on lord North; of his honour, worth, private character, integrity, from which not one man had attempted to detract, but to which so many had borne testimony; and expressed his wishes that a coalition might take place between him and the principal characters on the other side of the House. The noble lord was an able minister, though he believed that conducting a war was not his forte; but in the negociations for peace, he was convinced he would be found to have great abilities. As to the motion, he was resolved to give it his negative.

Mr. *Powys*, who was the friend by whom sir William said he had been harshly treated on Friday, rose up to apologize: he then took occasion to observe, that he would say nothing to the question before the House, until he should see some gentleman as independent as the hon. member who had made the motion, rise up to oppose it. Here he was called to order by

Mr. *Adam*, who, with great warmth, said he never would sit silent while such insinuations were thrown out. He held a place under government it was true; but he nevertheless would have the hon. gentleman to believe, that there was not in that House a more independent member than he was. He felt that he was supporting measures which he approved; he felt that he was opposing measures that he disapproved. Mr. Adam was going on very warmly, when he, in his turn, was called to order by

Sir *Fletcher Norton*, who observed, that when any gentleman called another to order, he ought to be particularly careful not to become disorderly himself: this, however, was the case with the last speaker, or he would not have risen to interrupt him.

The *Speaker* stated the point of order to be, that as by the rules of that House, all the members were equal, whether they represented counties or boroughs, so no distinction whatever ought to be made on

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account of fortune, situation, or any thing else, which might have a tendency to make a distinction, which the rules of the House did not allow.

Mr. *Adam* expressed his satisfaction, that though his warmth might perhaps have hurried him too far, yet he was so fortunate as to be supported by the chair in the opinion that the hon. gentleman whom he had called to order, was at that time disorderly.

Mr. *Powys* said, that if the order of the House was such as was laid down by the chair, and that all members were alike, he could not understand the meaning of bringing in Place Bills and Contractors Bills. But he could not suppose that he had rightly understood the right hon. gentleman, for such a doctrine was highly detrimental, as there would be an end to all freedom of debate. The voice of gentlemen who represented large trading counties would always, in his mind, outweigh those who spoke from any motives of private interest.

The *Lord Advocate* here called Mr. Powys to order: he said, that if the hon. member doubted the authority of the chair, his way was not to argue upon it, but to take the sense of the House by a question.

Mr. *Powys* rose again, and after concluding the dispute about order, made some general observations relative to the motion before the House, and wished it every success, as the only instrument by which we could be freed from the ruin that, under the present administration, threatened this country.

Mr. *Coke* of Norfolk said, he was surprised to see the noble lord attempt to keep his seat, after he had found that the confidence of the House was withdrawn from him; besides, he wondered how the noble lord could reconcile his duplicity to that House, which he had so much deceived on several occasions. He had come down and spoke of the pacific measures of our enemies at the very moment they were declaring war against us, and he had made the sovereign from his throne utter such things as had been proved to be utterly false and groundless.

Mr. *C. Turner* said, he would always stand up for distinction between men of real worth and character, men who were interested in the fate of their country, in preference to men who were only interested in the holding of their places. The members for Scotland, he said, in his opinion, ought not to sit there, for they had no qualification agreeably to the law of England; a man in Scotland needs only a pair of spurs for a qualification to become a county member. The voice of the people was against the present ministry, and therefore, they ought to be turned out. If the representatives of the people did not obey their constituents, their constituents ought to come and turn them out: and if ever parliament was determined to act contrary to the voice of the people, the people, he hoped, would break in, and pull them off their seats.

Mr. *Gilbert* said, he would make no apology for troubling the House at such a time, and on a subject so very important; that if he was to make any, it should be for his not having expressed his thoughts sooner, on the matters then under consideration: that this country was now arrived at a very critical period, in which she stood in need of the advice and assistance of all able and good men, from all quarters, and in every connection; that he should not consider how, and by what means she came into her present unhappy situation, but would point out, as far as he could, what steps would, in his opinion, be proper to extricate her from her present difficulties. He would not presume to say, who were the fittest men to do this; but in his opinion, from the present situation of affairs, there ought to be a change, both of men, and measures. He was not in a situation to give advice upon the occasion, but hoped the House would permit him to express his wishes, which were, that his Majesty would establish an administration upon a firm basis, which should take in men of the fairest characters, in every connection; that it should be composed of men of ability and integrity, true lovers of their country, and friends to economy. That he thought such an administration would not fail to procure, what was so much wanted, the confidence of the people; that this was the only plan to save this country from the ruin that threatened her; that it would be necessary to pursue every measure of economy which could be prudently adopted; to examine strictly into the expenditure of public money, and to correct the abuses which had happened during the war; this was the line he wished to be pursued, these were his sentiments, not adopted merely upon this occasion, for he had declared them some years since, and had acted upon them, in offices which he

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held himself. Here he mentioned two employments which he now held, and to which he was appointed long before he had a seat in that House; the one, comptroller of the great wardrobe, which produced him clear about 200*l.* per annum, in which, he said, he had discharged his duty faithfully, and had corrected many abuses and irregularities, greatly to his Majesty's advantage; the other, paymaster of the pensions allowed to sea officers widows, which produced him clear about 80*l.* per annum; that about twenty years ago he had many thousand pounds of that money in his hands, which he placed out at interest, and afterwards gave credit in his account for all he received from it, as those accounts would testify; that he had very little money in his hands after that time, till the last year; when, it amounting to some thousand pounds; he applied to the noble lord at the head of that department, for his direction to lay it out in the funds for the benefit of the charity; that he soon after received his lordship's directions for that purpose, and invested it accordingly; that he did not consider himself as under any improper influence from these offices, but that he had voted, and should vote, on all occasions, as he thought right.—With respect to the present question, he was afraid of ill consequences from its being carried, and that it would not produce that general coalition which he wished, if the gentlemen who sat on one side the House were to come in a body, and take the places occupied by the gentlemen on the other side; but if, in the course of the debate, he should find that it was likely to produce a general coalition of parties, (without which he thought this country could not be saved) he would give his vote for it; if not, he should vote against it, but earnestly entreated gentlemen on both sides of the House not to be too tenacious, when so much depended on the plan of coalition.

Mr. *John Townshend* said, that gentlemen, by assenting to the motion, would do an essential benefit, not only to their country, but their King. The consequence would be, the removal of those ministers who had reduced this country from the highest pinnacle of glory to the meanest and most contemptible situation that could be well imagined: at a time when we should expect ministers addressing this House with penitence and contrition, for the disgrace and misery they had, through ignorance and incapacity, brought on this country, we found them still persevering in that obstinacy and those principles which had been already so destructive to the nation, and which had almost annihilated us as a people. Could any gentleman, in his conscience, believe, that the present administration could be any longer confided in, who had so constantly and uniformly deceived this House? They had not adopted any one measure that this House believed was necessary or expedient in our circumstances at this time, without giving it every opposition in their power, and then when they saw their opposition was defeated, meanly submitted to the line of conduct pointed out by parliament, which was directly contrary to the sentiments they maintained. Let ministers now pretend to what fairness or uprightness they might, we need only look into his Majesty's Answer to the Address of this House, dictated by his ministers, and we there saw the same evasion and duplicity which had characterised the conduct of administration in this House. There was nothing explicit or expressive of the sense of the nation conveyed in the Answer to our Address to the throne; we were left as much in the dark with respect to the real intentions of the crown, as if we never had received any such answer. He said, he hoped gentlemen would that night shew how sensibly they felt the many calamities which had befallen this devoted country; and that they would rescue it, if possible, from the brink of ruin, to which it was now verging with hasty strides, by removing the cause from whence all our evils had sprung.

Lord *North* spoke with considerable emotion, and under great embarrassment. The imputations which had been so lavishly thrown upon him, he conceived to be unjust, and he felt them to be personal. They accused him of jesting in that House, and of being fond of turning things into ridicule. To this he could only say, that he was not inclined to jest with serious things; but he could not consider many of the arguments that were used against him in that light. They were such as could only with propriety be answered by a jest. The hon. gentleman who spoke last had known him but for a very short space of the war; if he had known him more, perhaps he would not have been so violent in his language. Older members of parliament, and those who knew him better, would, he doubted not, do him the justice to say, presumption and violence

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were no part of his character. With regard to the heavy charges brought against him, so far was he from feeling that contrition or repentance which the hon. gentleman had been pleased to say would have become him, he did assure the House he felt the most perfect calmness of mind, because he had the best reason in the world for not being either actuated by fear of what was to follow, or filled with contrition for what was past, namely, the consciousness of having done no wrong. Had he in any speech made by him in that House, in any speech made by him out of doors, or in any part of his conduct, held out hopes to the Americans, that they had friends in this country, who professed themselves their advocates, and took every occasion to further their interests, in preference to the interests of Great Britain, he should then have thought he had acted in a manner that called for deep contrition and sincere repentance; for self-abasement, for humiliation, and for shame! But it had been charged to him, and he must say a few words in answer to it, that he had deluded that House, and the people, with accounts of the pacific intentions of our neighbouring enemies, at the very time when those enemies were preparing their forces against us. To this he must answer, that he and the rest of his Majesty's ministers had delivered to parliament the assurances which they had received; and if they had been deceived, it was an error of judgment only, and not of the heart. They meant no wilful imposition upon parliament. He had been taxed as the author of the American war, and as the conductor of it upon principles inimical to the interests and the constitution of the country. With respect to the principle and the continuance of the war, he would say now what he had always said, that it was a truly English principle, and that, as an Englishman, he had a right, and it was his duty to maintain it, for the purpose of supremacy, if not revenue.

Having said this, and enlarged much on his conduct through the whole of the American war, he came to the consideration of the motion before the House. He owned, he liked it better than the motion to the same purpose which had been made the week before. On that occasion, the gentlemen on the other side of the House had acted, as they did on most occasions; they brought on a string of motions, three of which were palpable truisms, which the House could not deny, and when those were agreed to, they drew from them a conclusion which the House, after agreeing to the truisms, could not deny. The present motion did not do this. It was laid without anger, in moderate terms, and in the true way that motions of censure should always be put, without having any thing to come behind it. In order to speak to it properly, it would be necessary to answer the several parts of it separately. With regard to the first allegation, viz. that the army, navy, and ordnance, had cost an immense sum, the fact could not be denied; but at the same time it was no proof of ministers having deserved that the confidence of that House should be withdrawn from them. He had, however, so often delivered his sentiments on that part of the motion, when it came under consideration in another form, and on other occasions, that he would not then take up the time of the House a moment longer upon it. With regard to the next, viz. that the American provinces had been lost, that our West-India islands had been lost, and that all our present misfortunes were owing to the fault of ministers, that he must take the liberty of denying in direct terms: nor would he agree that the American war was ascribeable to the conduct of the present administration. The American Stamp Act was repealed, and the Declaratory Act passed before he was minister; he voted for them both as a private member of parliament, but he was not answerable for them as a minister. When he came into office, the times were almost as violent as they were at present; he came in, when others had deserted the helm, and he had done his best to serve his country while in office. That the American war was just, that it was a necessary war, and a war carried on for the purpose of supporting and maintaining the rights of the British legislature, he ever would contend. "Oh, but" it was then said, "the noble lord has deluded us, he has deceived us, he had led us into the war, and persuaded us to continue it by misrepresentations and false colouring of facts!" What had been his misrepresentations? With regard to the declaring that we had numerous friends in America, that declaration had come from another minister, and not from him. It did not fall within the scope of his department to receive official information of that nature. Not but he believed it; he was convinced that the minister, who had said we had numerous friends in America, had spoken

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upon good authority. He knew we not only had numerous friends in America, but that we had still; at the same time, he never had thought, that those friends were sufficient in point of number, or in any point of view whatever, to warrant either our going to war, or our continuing a war, solely on their account. Another charge brought against him was, that we had no foreign alliances. Had we any more alliances at the time of his coming into office than we had at present? Undoubtedly we had not, and he should not go at all too far, if he asserted, that more pains had been taken, and more attempts made, to procure alliances, since he had been in his situation, than he found going forward when he first came into office.

After going circumstantially through all the arguments that had been urged against him that day, on the score of his conduct while in office, his lordship came at length to what had been said respecting his going out, and said, his having declared that his reason of staying in just then, was owing to no inclination of his own, but merely to a point of honour, had been exceedingly misunderstood, and very unfairly commented upon. He declared he not only wished for peace, but he wished for such a ministry to be formed as should at once give satisfaction to the country, and be likely to act with unanimity and with effect for the good of the kingdom. He would be no obstacle to a coalition of parties, for the formation and adjustment of a new administration, in which he should himself have no share. Nor was this declaration merely expressive of any new feeling; there were those who well knew, that he had for some years been ready and willing to make way for such an administration, and that it was owing to no wish of his, that he had kept his situation so long. But it had been said, "Such is the noble lord's love of power, such is his attachment to the emoluments of his office, that he will not quit his situation." He declared to God, that no love of office, no attachment to emolument should keep him a moment in office, could he leave his situation with honour, and were there not certain circumstances in the way of his going out just at that moment, which he could not farther explain. A time, however, he flattered himself, would soon be at hand, when he could give an ample explanation of his conduct, and when he doubted not he should be able to satisfy every gentleman of every party, that he had done his duty, and preferred the true interests of his country to his own ease and his own quiet. In obedience to that sense of duty, neither the persuasions of those whose advice weighed much with him, nor the animadversions of others which weighed less, nor the menaces of those others which weighed least of all, should have a momentary influence on his mind. With regard to the present motion, he left it entirely to the judgment of the House to determine whether it was proper or not for them to pronounce, that ministers had merited the severe censure implied in a solemn declaration of that House, that they had withdrawn their confidence from them. Gentlemen would, he well knew, say, ministers were the authors of all our misfortunes, and that he was not to be believed when he asserted the contrary; and so far was he from subscribing to the idea, that punishment was not to follow, if ministers would but go out; he desired that no such idea might be entertained; he begged to be fully understood, as neither desiring to avoid censure nor punishment; he only desired that proofs of neglect or guilt might be established against ministers previous to that House voting a censure upon them; and if they deserved censure, punishment ought to follow.

Mr. *Fox* began with saying, that he could not help admiring the conduct of the worthy baronet, (sir W. Dolben) who had of late been exceedingly happy in passing panegyrics on the noble lord, but unfortunately for him they all went directly contrary to what he intended; for the noble lord's forte was not for war, and from his declaring against the Americans, he had shewn that he was not a man fit for peace. Certainly, the hon. baronet ought to vote for the question, that he might place his noble friend in a situation where he could shine most; seeing that for the offices he had held, he was the most unfortunate man alive. The noble lord had declared that he wished for peace, that he did not want to stay in office, yet he had not sense enough, for near twenty years, to keep himself above one year out of office; nor had he, although a lover of peace, for eight years out of twelve, been able to keep from war. An hon. gentleman (Mr. Adam), had asserted that the only reason why this country could make no alliances was the fault of opposition; they and their fathers had carried the nation in the last war to such a high pitch of

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glory, that they had rendered her the envy of all the world; and that the neighbouring states of Europe had become so jealous of her, that none of them would enter into an alliance with her. If the fact were so, Mr. Fox said, it was assigning an odd reason for our having no allies. He should have imagined that a nation, being in possession of great and superior power, was the best inducement to other states to seek an alliance with her. But if it was our greatness that prevented our ability to form alliances at the conclusion of the last war, and that disability arose from the glorious successes of their fathers, and those great sea and land officers then sitting on his side of the House, he would do the hon. gentleman and his party the justice to say, they had completely undone all that work, and reduced the nation to a state in which other courts need no longer be jealous of her superior power, and therefore need not make that a plea for refusing to enter into an alliance with Great Britain.—Mr. Fox entered very much at large into what lord North had said, with regard to the conduct of the war, and the delusions that had been held out repeatedly by ministers to parliament. He declared, he till that day thought the noble lord had always acted a generous part with his colleagues, by standing up and desiring to share with them in their guilt, if guilt there was. That day, however, the noble lord, talking of the numerous friends in America, of which they had heard so much, had said, "it fell not within his department to receive information of their numerous friends in America; that declaration had been made by another minister." Mr. Fox reasoned upon this, and asserted, that the noble lord had himself deluded and deceived parliament in a variety of instances. The noble lord had declared, that the present motion was by far fairer than the former one: he believed him, and the noble lord had not made use of that subterfuge, which the Secretary at War did on Friday last, by moving a previous question upon it; but the noble lord had explained why that subterfuge was made use of, it was because the former motions contained three truisms, which even the noble lord allowed: and declared, that after having voted for the three, the House must inevitably vote the fourth. Whether they would or not, he allowed the noble lord was right, and certainly the House was bound to vote the fourth; but here the fourth proposition was altered from "want of foresight and ability" to want of confidence: surely now no person could be against the motion, let him be professional or not; and however the noble lord's friends might be against letting him quit his post, or however averse he might be himself to it, he must, if not that night, very shortly quit it; if not by a voluntary resignation, he must by one less honourable, by being turned out; and this was not the work of mere faction, for he had seen the most respectable country gentlemen, both Whig and Tory, unite in one common cause for the public good. His hon. friend who moved the question, or his other hon. friend who seconded it, were gentlemen that calumny could not reach; they were not men supposed either to want, or that would accept of places; they acted from quite different principles. At present there was no government; it was a kind of interregnum, and for the truth of that he applied to the noble lord. The officers of government had been for some weeks past in most shameful disorder. Surely, then, it was high time for some ministry to be established, for a bad government was better than none; and whilst we were in the dreadful situation mentioned, he desired gentlemen would recollect the Bill that was depending in that House, (the Navy Mutiny Bill) which contained such dangerous clauses, that he was fearful to speak out; but the House perfectly understood him, and he sincerely wished the Bill might not be attended with the evil he foresaw it would.

The *Lord Advocate* answered Mr. Fox. He took up the argument in the same manner as before,—that the House should not be so eager in turning out the presennt ministry, without knowing in what manner the government of this country was to be administered. A coalition of parties seemed to be the general desire of the House, and he was very ready to confess that he was of the same opinion; but was the present motion the proper way to accomplish the desire? surely not; for it went to the immediate discharge of the present ministry, and put the government into the hands of the opposition alone. Was this a coalition, or was this what the House were desirous to bring about? A coalition could only be formed by the substantial union and connection of all parties, and not by driving out one half of those who ought to compose it. He wished also to ask gentlemen if they were

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prepared to throw the whole of the government of this country into the hands of the opposition? Were they prepared to do this? If they were, they would vote for the present question; for to so much the present question went. But if, on the contrary, they wished for an administration made up of all the ability, all the weight, and all the interest of the empire, for such an administration as they described by the term coalition, they would then resist the present question, as tending to retard, if not totally prevent, that desirable end. The manner in which it could be best accomplished, was by preserving the present ministry in their places until the coalition could be formed. The noble lord in the blue ribbon had declared his readiness and desire to see such a coalition take place, and that he should not himself stand in the way of it; this, then, was the way which the House ought to pursue in order to accomplish their wishes. Suffer the present ministry to remain, and frame the coalition. Turn them out, and there is no coalition, but the gentlemen on the other side succeed in their room. He put the case of a ship tossed in a violent storm, and asked, if the House thought the best way to secure the safety of the vessel, and bring her into port, was to throw all the crew overboard? The present motion was exactly such a proposition; it went immediately to the removal of all the ministers without distinction; therefore, it was directly throwing the whole of the government into the hands of the other side of the House.

Lord *John Cavendish* said, that by agreeing to the present motion, the House by no means placed the opposition in power, and thereby prevented the coalition so ardently desired. They did no more than take the executive government from the present hands, and leave it to his Majesty to frame such a new administration as his Majesty should think most proper. This was not a new practice, for, from the records of that House he could prove, that it had been often done very much to the advantage of the nation, as some of the best and greatest administrations had been formed in this manner. The noble lord stated several instances of this sort, in which, after the nation had for years laboured under the calamity of weak and bad government, they had by a fortunate change, brought about in this manner, restored themselves to credit, honour, and success. The noble lord contended strongly for the question, as a measure which the House ought to adopt without further delay. They must do it sooner or later. It was impossible that the nation could go on in its present state. With distracted councils, and a ministry unpopular, without the confidence either of the parliament or the people, we could not go on; something must immediately be done to restore vigour and stability to the cabinet, and confidential security, if not a peace, to the nation.

Mr. *William Pitt* made a most spirited speech. He took up in particular the argument of the Lord Advocate, and exposed, in the most forcible and pointed manner, the reasoning which he had assumed. The learned lord had very conscientiously owned that the present ministry had not the confidence of the people. The necessity of a coalition he had strongly enforced on the ministry having lost the confidence of the people; and he gravely argued, that they ought to be continued in power, for the purpose of forming this new administration: so that the ministry, who were generally acknowledged to be unfit for the purpose of government, were yet to be entrusted with this most important trust of forming a new administration, which was to conduct this nation from its present dreadful embarrassments to a more prosperous state. He said, if he knew the meaning of the word coalition, it was the collecting and combining all the abilities, integrity, and judgment that were to be found, and turning the united exertions of such a coalition to the service and salvation of the country. Was that a work fit to be entrusted to the noble lord, and to be settled by him in his closet? Surely the House would agree with him, that a proposition of that kind was a gross insult to parliament, and ought not to be listened to for a moment. The administration of the noble lord in the blue ribbon, had been an administration of influence and of intrigue; he thanked God, an end was likely to be put to that administration, but he trusted the House would not contaminate their own purpose, by suffering the present ministers to manage the appointment of their successors. As little was it proper for that House to be enquiring what was the system of measures likely to be pursued by a new administration? It neither became them to settle the men that were to come in, nor to adjust or investigate the measures they

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were to pursue. The crown had the undoubted right to appoint its own ministers; it was the province of that House to watch and examine into the conduct of ministers.—The hon. gentleman spoke with considerable warmth, and begged the House to forgive the heat; he was agitated more than he had ever been before, as he could not avoid feeling for his country in the mortifying distress of being governed by men who had neither sensibility nor shame; who were as void of feeling as they were of every other valuable quality which constituted the great statesman and the powerful minister. He most strenuously recommended the motion, as the only means of presenting to the eyes of the world, what he had read of with rapture, but almost despaired of seeing—a patriot king, presiding over a united people.

Mr. Secretary *Ellis* said, that he gave the preference to this motion over those of that day se'nnight, because, on that occasion, it seemed the inclination of the other side of the House to make them adopt three needless truths, in order to trap them into a conclusion. The present was a fairer method; the motion spoke out boldly; there was no delusion in it: it spoke a specific language; and gentlemen were called fairly to decide, whether they would, or would not wish that the present ministry should go out of place. It was a fair motion to put, but he thought it was a bad motion to be accepted. The arguments of the learned lord had not been answered, though they had been so ably spoken to by the noble lord and hon. gentleman. He was sincerely of opinion, that the House ought not to send his Majesty's ministers from their seats, until this much-desired coalition was formed; for by their going out before this was done, they would leave the affairs of the public in confusion.

General *Ross* contended strongly for the motion, as the only means by which they could restore that harmony and union to the administration, which was so necessary to the successful conduct of our measures against the enemy.

The House divided:

	Tellers,	
Yeas	Lord Maitland Mr. Byng	227
Noes	Mr. Adam Mr. John Robinson	236

So it passed in the negative. When the minority were in the lobby, Mr. Fox said, that upon consulting with the gentlemen near him, it was thought right that a motion to the same effect on Wednesday next should be proposed.

List of the Minority and Majority on Sir John Rous's Motion for withdrawing the Confidence of Parliament from the King's Ministers.

Minority.	*Majority.*
Bedfordshire.	
Earl of Upper Ossory.	
Hon. St. And. St. John.	
Bedford.	
Sir William Wake.	
S. Whitbread.	
Berkshire.	
John Elwes.	
W. H. Hartley.	
Reading.	
Francis Annesley.	
Abingdon.	
	J. Mayor.
Windsor.	
Hon. J. Montagu.	P. Portlock Powney.
Wallingford.	
John Aubrey.	
Chaloner Arcedeckne.	
Buckinghamshire.	
Earl Verney.	
Thomas Grenville.	
Buckingham.	
James Grenville.	
William Grenville.	
Wycomb.	
Visc. Mahon.	Robert Waller.
Aylesbury.	
	Anthony Bacon.
	Thomas Ord.
Marlow.	
	W. Clayton.
Wendover.	
Richard Smith.	
J. M. Smith.	
Agmondesham.	
Wm. Drake, sen.	
Cambridgeshire.	
University.	
Hon. J. Townshend.	James Mansfield.
Cambridge.	
Benjamin Keene.	
J. W. Adeane.	
Cheshire.	
J. Crewe.	
Sir R. Cotton.	
Cornwall.	
Sir Wm. Lemon, bart.	
Edward Eliot.	
Launceston.	
	Hon. C. G. Perceval.
	T. Boulby.
Leskeard.	
Samuel Salt.	
Hon. W. Tollemache.	

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Minority.	Majority.
Lestwithiel.	
	Visc. Malpas.
	George Johnstone.
Truro.	
	Bamber Gascoyne.
	Henry Rosewarne.
Bodmyn.	
George Hunt.	William Masterman.
Helstone.	
	Lord Hyde.
	Richard Barwell.
Saltash.	
	Sir Grey Cooper.
	C. Jenkinson.
Eastloo.	
	J. Buller.
	W. Graves.
Westloo.	
	Sir William James.
Grampound.	
Sir John Ramsden.	
Thomas Lucas.	
Camelford.	
	J. Pardoe.
	James M'Pherson.
Penryn.	
	Sir Francis Basset.
	J. Rogers.
Tregony.	
	J. Stephenson.
Bossiney.	
	Hon. C. Stuart.
St. Ives.	
	William Praed.
	Abel Smith.
Fowey.	
	Philip Rashleigh.
	Lord Shuldham.
St. Germains.	
Edward J. Eliot.	
Dudley Long.	
St. Michael.	
	Hon. Wm. Hanger.
	Francis Hale.
Newport.	
	Sir J. Coghill.
St. Mawes.	
	Hugh Boscawen.
Callington.	
	George Stratton.
	J. Morshead.
CUMBERLAND.	
Henry Fletcher.	
Carlisle.	
Earl of Surrey.	
William Lowther.	
Cockermouth.	
John Lowther.	
J. B. Garforth.	
DERBYSHIRE.	
Lord G. Cavendish.	Hon. Nat. Curzon.
Derby.	
Lord G. H. Cavendish.	
Edward Coke.	
DEVONSHIRE.	
John Parker.	

Minority.	Majority.
John Rolle.	
Ashburton.	
Robert Palke.	Charles Boone.
Tiverton.	
	Sir J. Duntze.
Dartmouth.	
Lord viscount Howe.	
Art. Holdsworth.	
Oakhampton.	
Humph. Minchin.	
Honiton.	
Sir G. Yonge, bart.	
J. Wilkinson.	
Plymouth.	
	Sir F. L. Rogers.
	George Darby.
Beeralston.	
	Lord Fielding.
	Lawrence Coxe.
Plympton.	
	Sir R. Payne.
	Hon. J. Stuart.
Totness.	
	Lan. Browne.
Barnstaple.	
	Francis Basset.
Tavistock.	
Hon. Rich. Fitzpatrick.	Rt. hon. Rich. Rigby.
Exeter.	
Sir C. W. Bamfylde.	
J. Baring.	
DORSETSHIRE.	
Hump. Sturt.	Hon. G. Pitt.
Dorchester.	
	William Ewer.
Lyme Regis.	
	Hon. Henry Fane.
	D. R. Mitchell.
Weymouth, &c.	
	Rt. Hon. Welb. Ellis.
	Gabriel Steward.
	Wm. Rd. Rumbold.
Bridport.	
Thomas Scott.	
Richard Beckford.	
Shaftesbury.	
H. W. Mortimer.	Sir Francis Sykes.
Warcham.	
Thomas Farrer.	J. Boyd.
Corfe Castle.	
Henry Bankes.	J. Bond.
Poole.	
W. Morton Pitt.	Joseph Gulston.
DURHAM.	
	Sir Thos. Clavering.
Durham.	
John Tempest.	
J. Lambton.	
EBOR.	
Sir G. Savile.	
Henry Duncombe.	
Aldborough.	
Sir Samuel Fludyer.	Charles Mellish.
Beverley.	
Sir James Pennyman.	
Evelyn Anderson.	

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Minority.	*Majority.*
Heydon.	
	Christoph. Atkinson.
Knaresborough.	
Lord visc. Duncannon.	
James Hare.	
Malton.	
William Weddell.	
Edmund Burke.	
Northallerton.	
Henry Peirse.	Edward Lascelles.
Pontefract.	
William Nedham.	Lord visc. Galway.
Richmond.	
Hon. G. Fitzwilliam.	Marquis of Graham.
Rippon.	
William Lawrence.	Hon. Fred. Robinson.
Scarborough.	
Earl Tyrconnell.	Hon. C. Phipps.
Thirsk.	
Sir T. Gascoigne.	
York.	
Lord John Cavendish.	
Sir Charles Turner.	
Hull.	
William Wilberforce.	
ESSEX.	
J. Luther.	T. B. Bramston.
Colchester.	
Sir Robert Smyth.	
Malden.	
	J. Strutt.
	Eliab Harvey.
Harwich.	
	Hon. G. A. North.
GLOUCESTERSHIRE.	
Sir William Guise	James Dutton.
Tewkesbury.	
Sir Wm. Codrington.	
James Martin.	
Cirencester.	
	Samuel Blackwell.
	James Whitshed.
Gloucester.	
Charles Barrow.	
J. Webb.	
HEREFORDSHIRE.	
Sir G. Cornewall.	Right hon. T. Harley.
Hereford.	
J. Scudamore.	Sir Rich. Symonds.
Leominster.	
Richard Payne Knight.	Lord visc. Bateman.
Weobly.	
	J. St. Leger Douglas.
	Andrew Bayntun.
HERTFORDSHIRE.	
William Plumer.	
T. Halsey.	
Hertford.	
William Baker.	
Baron Dimsdale.	
St. Albans.	
J. Radcliffe.	
W. C. Sloper.	
HUNTINGDONSHIRE.	
Earl Ludlow.	Visc. Hinchingbrook.

Minority.	*Majority.*
Huntingdon.	
	Lord Mulgrave.
	Sir H. Palliser.
KENT.	
Hon. Chas. Marsham.	
Filmer Honywood,	
Rochester.	
Robert Gregory.	G. F. Hatton.
Queenborough.	
	Sir Walt. Rawlinson.
	Sir Chas. Frederick.
Maidstone.	
Sir Horace Mann.	
Clement Taylor.	
Canterbury.	
Charles Robinson.	
George Gipps.	
LANCASHIRE.	
Thomas Stanley.	Sir T. Egerton.
Lancaster.	
Wilson Braddyll.	
Abraham Rawlinson.	
Preston.	
J. Burgoyne.	Sir H. Hoghton.
Liverpool.	
	Bam. Gascoyne, jun.
Wigan.	
Hon. H. Walpole.	
Clithero.	
T. Lister.	
J. Parker.	
LEICESTERSHIRE.	
J. P. Hungerford.	
William Pochin.	
LINCOLNSHIRE.	
C. Anderson Pelham.	
Sir J. Thorold.	
Stamford.	
	Sir George Howard.
	Henry Cecil.
Grantham.	
George Sutton.	F. Cockayne Cust.
Boston.	
	Humphry Sibthorpe.
Grimsby.	
J. Harrison.	Francis Eyre.
Lincoln.	
Sir T. Clarges.	Robert Vyner.
MIDDLESEX.	
J. Wilkes.	
Westminster.	
Hon. Chas. J. Fox.	
London.	
Frederick Bull.	
J. Sawbridge.	
Nathaniel Newnham.	
Sir Watkin Lewes.	
MONMOUTHSHIRE.	
J. Hanbury.	J. Morgan.
Monmouth.	
	Sir T. Stepney.
NORFOLK.	
Sir Edward Astley.	
T. W. Coke.	
Lynn.	
Crisp. Molineux.	

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Minority.	*Majority.*
Yarmouth.	
Hon. Richard Walpole.	Hon. C. Townshend.
Thetford.	
Richard Hopkins.	
Castle-rising.	
	Robert Mackreth.
	J. Chet. Talbot.
Norwich.	
Sir Harbord Harbord.	
NORTHAMPTONSHIRE.	
Lucy Knightley.	
Thomas Powys.	
Peterborough.	
Richard Benyon.	
James Phipps.	
Brackley.	
	Timothy Caswell.
Northampton.	
Lord visc. Althorpe.	George Rodney.
Higham Ferrers.	
Frederick Montagu.	
NORTHUMBERLAND.	
Sir Wm. Middleton.	
Morpeth.	
	Peter Delme.
	Anthony Storer.
Newcastle.	
Sir M. W. Ridley.	A. R. Bowes.
Berwick.	
	Sir J. Hussey Delaval.
	Hon. J. Vaughan.
NOTTINGHAMSHIRE.	
Lord Edward Bentinck.	
Charles Meadows.	
Retford.	
	Wharton Amcotts.
Newark.	
Lord George Sutton.	
Nottingham.	
Robert Smith.	
OXFORDSHIRE.	
	Lord Chas. Spencer.
University.	
	Sir William Dolben.
	Francis Page.
Oxford.	
Lord Robert Spencer.	
Hon. Per. Bertie.	
Woodstock.	
	Lord Parker.
Banbury.	
	Lord North.
RUTLANDSHIRE.	
	G. B. Brudenell.
SHROPSHIRE.	
Richard Hill.	
Shrewsbury.	
William Pulteney.	
Sir Charlton Leighton.	
Ludlow.	
	Lord Clive.
	Frederick Cornewall.
Bridgenorth.	
Thomas Whitmore.	
Hugh Pigot.	

Minority.	*Majority.*
Bishops Castle.	
	Henry Strachey.
	William Clive.
SOMERSETSHIRE.	
Sir J. Trevelyan.	
Taunton.	
	J. Haliday.
Ilchester.	
	Per. Cust.
	Samuel Smith.
Milborne Port.	
J. Pennington.	J. Townson.
Wells.	
Clement Tudway.	
Robert Child.	
Bridgewater.	
	Hon. Anne Poulett.
Bath.	
Hon. J. Jeff. Pratt.	Abel Moysey.
Minehead.	
	F. Fownes Luttrell.
Bristol.	
	Mat. Brickdale.
	G. Daubeny.
SOUTHAMPTON.	
Robert Thistlethwayte.	
Jer. Clarke Jervoise.	
Winchester.	
	H. Penton.
	Lovel Stanhope.
Newport.	
	Sir Richard Worsley.
	Hon. J. St. John.
Yarmouth.	
Edward Morant.	Sir Thos. Rumbold.
Newtown.	
J. Barrington.	Edward M. Worsley.
Lymington.	
	Edward Gibbon.
Christchurch.	
	J. Frederick.
Andover.	
Sir J. Griffin Griffin.	Benj. Letheuillier.
Whitchurch.	
Lord visc. Midleton.	
Rt. hon. T. Townshend.	
Petersfield.	
	William Jolliffe.
	T. S. Jolliffe.
Southampton.	
	John Fuller.
	Hans Sloane.
STAFFORDSHIRE.	
Sir J. Wrottesley.	Lord visc. Lewisham.
Stafford.	
Hon. E. Monckton.	
R. B. Sheridan.	
Tamworth.	
	J. Courtenay.
	J. Calvert.
Newcastle.	
	Arch. M'Donald.
Litchfield.	
George Anson.	T. Gilbert.
SUFFOLK.	
Sir T. C. Bunbury.	

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Minority.	*Majority.*
Sir J. Rous.	
Ipswich.	
T. Staunton.	
Dunwich.	
Sir G. W. Vanneck.	Barne Barne.
Orford.	
	Ld. visc. Beauchamp.
	Hon. R. S. Conway.
Aldeburgh.	
	Martin Fonnereau.
	Ph. Cham. Crespigny
Sudbury.	
Eye.	Sir James Marriot.
	Richard Phillipson.
	A. J. Skelton.
Bury.	
Sir C. Davers.	
Rt. hon. H. S. Conway.	
SURREY.	
Hon. Augustus Keppel.	
Sir Joseph Mawbey.	
Gatton.	
	Lord Newhaven.
	R. Mayne.
Haslemere.	
Edward Norton.	
W. Spencer Stanhope.	
Bletchingly.	
Sir Robert Clayton.	J. Kendrick.
Rygate.	
	Hon. J. Yorke.
Guildford.	
Rt hon. sir F. Norton.	George Onslow.
Southwark	
Sir Richard Hotham.	
Nathaniel Polhill.	
SUSSEX.	
Lord George Lenox.	Hon. T. Pelham.
Horsham.	
	James Wallace.
	Sir G. Osborne.
Bramber.	
Hon. H. F. Stanhope.	
Shoreham.	
	Sir C. Bishop.
	J. Peachey.
Midhurst.	
	Sir Samson Gideon.
	Henry Drummond.
East Grinstead.	
	Sir J. Irwin.
	H. A. Herbert.
Steyning.	
Sir T. G. Skipwith.	
Arundel.	
	Thomas Fitzherbert.
Lewes.	
Thomas Kemp.	Hon. Hen. Pelham.
Chichester.	
Hon. Percy Windham.	
Thomas Steele.	
WARWICKSHIRE.	
Sir Robert Lawley.	
Sir G. Shuckburgh.	

Minority.	*Majority.*
Warwick.	
Robert Ladbroke.	Hon. C. Greville.
Coventry.	
	Lord Sheffield.
	Edward Roe Yeo.
WESTMORLAND.	
Sir Mic. Le Fleming.	
James Lowther.	
Appleby.	
Phil. Honywood.	
Hon. W. Pitt.	
WILTSHIRE.	
C. Penruddock.	
Ambrose Goddard.	
Salisbury.	
William Hussey.	
Hon. W. H. Bouverie.	
Devizes.	
	Sir J. T. Long.
	Henry Jones.
Marlborough.	
	Earl of Courtown.
Chippenham.	
Henry Dawkins.	Giles Hudson.
Calne.	
John Dunning.	
Right Hon. J Barré.	
Malmsbury.	
	Lord visc. Fairford.
	J. Calvert, jun.
Hindon.	
	Nat. W. Wraxall.
Old Sarum.	
T. Pitt.	
P. Wilkinson.	
Heytesbury.	
W. P. A'Court.	
Westbury.	
Samuel Estwick.	
J. Whalley Gardiner.	
Wootton Basset.	
	Hon. H. St. John.
	William Strahan.
Luggershall.	
	G. Aug. Selwyn.
Wilton.	
Lord Herbert.	
Downton.	
	Hon. H. S. Conway.
	Robert Shaftoe.
Bedwin.	
	Paul Cobb Methuen.
WORCESTERSHIRE.	
Hon. Edward Foley.	
Evesham.	
Sir J. Rushout.	
C. W. Boughton Rouse.	
Droitwich.	
Hon. A. Foley.	
Edward Winnington.	
Worcester.	
T. Bates Rous.	Hon. Wm. Ward.
Bewdly.	
	Lord Westcote.

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Minority.	Majority.
CINQUE PORTS.	
Hastings.	
	Visc. Palmerston.
	J. Ord.
Sandwich.	
	Philip Stephens.
	Sir R. Sutton.
Dover.	
John Trevannion.	Sir J. Henniker.
Romney.	
	Sir Edward Deering.
Hythe.	
	Sir Charles Farnaby.
Rye.	
	W. Dickenson.
	Hon. T. Onslow.
Winchelsea.	
J. Nesbit.	
Seaford.	
	J. Durand.
WALES.	
Anglesea.	
Lord visc. Bulkeley.	
Beaumarris.	
Sir George Warren.	
Breconshire.	
	Charles Morgan.
Brecon.	
	Sir C. Gould.
Cardiganshire.	
	Lord Lisburn.
Cardigan.	
	J. Campbell.
Caermarthenshire.	
J. Vaughan.	
Carmarthen.	
	George Phillips.
Carnarvonshire.	
J. Parry.	
Carnarvon.	
	Glynn Wynn.
Denbighshire.	
Sir W. W. Wynne.	
Flintshire.	
Sir Roger Mostyn.	
Flint.	
Watkin Williams.	
Merionethshire.	
E. L. Vaughan.	
Montgomeryshire.	
W. Mostyn Owen.	
Montgomery.	
	Whitshed Keene.
Pembroke.	
	Hugh Owen.
Haverfordwest.	
	Lord Kensington.
Radnor.	
	Edward Lewis.
SCOTLAND.	
Aberdeenshire.	
Alexander Garden.	
Kintore, &c.	
	Staates Long Morris.
Ayrshire.	
	Sir Adam Ferguson.

Minority.	Majority.
Irvine, &c.	
	Sir A. Edmonstone.
Argyleshire.	
	Lord F. Campbell.
Bamffshire.	
Earl of Fife.	
Berwickshire.	
	Hugh Scott.
Lauder, &c.	
	Francis Charteris.
Wick, &c.	
Charles Ross.	
Glasgow, &c.	
	J. Crawfurd.
Dumfriesshire.	
	Sir R. Laurie.
Dumfries, &c.	
	Sir R. Herries.
Edinburghshire.	
	Rt. hon. H. Dundas.
Edinburgh.	
	James Hunter Blair.
Fifeshire.	
	Robert Skene.
Kircaldie, &c.	
	Sir J. Henderson.
Anstruther, &c.	
	Sir J. Anstruther.
Aberbrothick, &c.	
	Adam Drummond.
Haddingtonshire.	
	Hugh Dalrymple.
Kincardineshire.	
	Lord A. Gordon.
Kirkcudbrightshire.	
	P. Johnstone.
Kinross-shire.	
	Geo. Graham.
Lanerkshire.	
	Andrew Stuart.
Linlithgowshire.	
	Sir W. A. Cunninghame.
Cromartyshire.	
	George Ross.
Peebleshire.	
	Alexander Murray.
Culross, &c.	
	James Campbell.
Perthshire.	
	Hon. J. Murray.
Renfrewshire.	
J. Shaw Stewart.	
Roxburghshire.	
Sir G. Elliott.	
Selkirkshire.	
	J. Pringle.
Selkirk, &c.	
	Sir J. Cockburn.
Stirlingshire.	
Sir T. Dundas.	
Sutherlandshire.	
	Hon. J. Wemyss.
Wigtownshire.	
227	Hon. K. Stewart. 236

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TELLERS.

Newport, Cornwall.
Lord visc. Maitland.
Middlesex.
G. Byng.
Harwich.
J. Robinson.
Stranraare, &c.
W. Adam.

The following Noblemen and Gentlemen paired off.

Chester.	*Chester.*
Richard W. Bootle	with T. Grosvenor.
Totness.	*St. Mawes.*
Sir Ph. J. Clerke	with Earl Nugent.
Thirske.	*Radnorshire.*
Beilby Thompson	with T. Johnes.
Wilton.	*Brackley.*
Rt. hon. W. G. Hamilton	with J. W. Egerton.
Worcestershire.	*Heydon.*
William Lygon	with Wm. Chaytor,
Arundel.	*Weymouth.*
Pet. William Baker	with J. Purling.
Orkneys.	*Durham county.*
C. Dundas	with sir J. Eden.

Debate in the Commons on the Contractors' Bill.] March 19. On the motion for going into a committee on the Bill "for restraining any person, being a member of the House of Commons, from being concerned himself, or any person in trust for him, in any contract made by the commissioners of his Majesty's treasury, the commissioners of the navy, the board of ordnance, or by any other person or persons for the public service, unless the said contract shall be made at a public bidding,"

Mr. *Fox* observed, that he was rejoiced at seeing that a new spirit of government seemed to be rising in the country, when corruption would be banished from the senate, and when those who should have the management of public affairs might safely trust to the merits of their measures, for support, without having recourse to the detestable system of corruption to obtain it. In this confidence, he had two propositions to make: the Bill stated, that no contractor should sit in that House, who should not have made his contract in consequence of a public advertisement. Now, as he knew, that, though a contract should have been advertised, it might, nevertheless, be given to a favourite person; he would therefore move, that the exception in the Bill should cease, and that no contractor whatsoever should have a seat in parliament. The next proposition was, that all those who actually had contracts, should not sit in that House; for as the Bill then stood, it had no retrospect; it only went to exclude those who should take contracts in future: but as many of the contracts now subsisting, were not for any specified period, the Bill might pass, without affording any hope that one of the present contractors would be excluded from parliament. He then moved, "That it be an instruction to the said committee, that they have power to extend the provisions of the said Bill to prevent all such persons from sitting or voting in parliament, although such contract may have been made at a public bidding."

This motion passed; and the House having resolved into a committee, Mr. Fox moved his two clauses, which were admitted without opposition.

Mr. *Whitbread* took occasion to observe, that he was a hearty friend to the Bill, and had been so to former Bills for the same purpose; but as it was only intended to prevent contractors sitting in parliament, it went to but one of the evils which flowed from a most corrupt fountain. Before the business came on, he had hinted to an hon. member (Mr. Fox) that he could suggest an expedient, which, from his experience in trade, he thought might easily be put in force, and which, he imagined, would stop the atrocious crimes and robberies committed in the expenditure of the public money. He observed, that this was a time for opposition to shew their sincerity; it was beyond a doubt that there would be a change of men, and those coming in, he hoped, would adhere to their opposition principles, and not govern by influence and corruption; they had, by their many professions of integrity, raised the expectations of the public, and if they should deceive them, they must be held infamous: they now would, he said, be put to the test, whether they would act like honest men or not.—He reminded the committee that the people had most earnestly petitioned parliament, amongst other things, for œconomy in the public expenditure; he was sure, he said, that the nation had lost millions by exorbitant contracts and wasteful bargains, and instead of persons in office doing their duty, it was almost become general to neglect it, and make the most for themselves. Many contracts were, he declared, so lucrative, that several thousands might be given for them and a great profit remain. He did not charge the noble lord who presided at the Treasury, with ever receiving one penny of

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such money; he believed he never did; but who disposed of such business in the Treasury, was very well known, and it was also well known who was favoured with the contracts. That the whole plan of the Treasury, Admiralty, Navy, Victualling, and Ordnance, was conducted alike on the same corrupt system, was a fact not to be disputed; but the mere exclusion of contractors from that House, he was persuaded, would not prevent the corruption. Did opposition wish for the confidence of the people, to serve their King faithfully, and to save the nation, which was on the brink of ruin, they would, by some effectual means, prevent the suspicion falling on them of their partaking of those enormous sums. He said, that he had had an opportunity of viewing the conduct of the Victualing-office for two or three years past, and had a few days since moved for a committee on that office, which was now sitting, and he hoped might render some use to the public: but as all those boards were so fortified by the tricks of office and the investment of great authority, he was clear that nothing but the power of parliament could strike at the root of the evil; he therefore humbly submitted an idea of his own, that as the public raised the money, and were grievously taxed for the interest, they ought to have the disposal of the money, and their representatives in parliament, should, if possible, effect such an alteration. He was inclined to believe, they might easily do so, by bringing in a Bill to appoint three or more commissioners for the public expenditure in time of war, to purchase all that was wanted, and take that business entirely from the several boards that now conducted it. He was aware it might be objected, that if these commissioners were chosen by parliament, the ministry might be said to choose them. The answer to which was, the opposition might become the ministry, and the objection was removed: he farther observed, that such commissioners might be made public—they might be easily criminated, if liable—be rendered very accessible, and not protected by the formidable power of office. He added, that we had already experience of the commissioners of accounts, who had done their business in a most exemplary manner, worthy of all commendation, and shewed most clearly what steps ought to be taken by parliament toward saving the public money; but as yet, he remarked, nothing had been seriously attempted.

Change of Ministry.] March 20. Ever since the beginning of the session, there never were so many members in the House, as appeared there this day; and the crowds of spectators were in proportion greater than usual. At a quarter after four, when the House was ready to enter upon the great business of the day, and the Speaker had called to gentlemen to take their places, the earl of Surrey, the member who was to have made the motion, stood up: and just at the same moment lord North got upon his legs: and each noble lord seemed determined not to give way to the other: this created a great deal of confusion, one side of the House crying out loudly for earl Surrey to speak first; the other side as loudly calling out lord North. At last,

Mr. *Baker* rose to speak to order. He thought it indecent in the noble lord in the blue ribbon to rise at a time, when he knew the noble earl had a motion of the greatest importance to submit to the House.

Lord *North* said that it was not through disrespect for the noble lord that he had risen; but merely to save him the trouble of making, and the House that of discussing a question, which at present he might say was become totally unnecessary.

Mr. *Baker* called the noble lord again to order: he said that he had no right to know of what nature or complexion the motion was, or would be, which his noble friend had not yet made; and that therefore it was highly unparliamentary to say that it was become totally unnecessary.

Lord *North* insisted, that it was not disorderly in him to suppose he knew, or to say he knew, what was the substance of the motion, which the noble lord was then going to make; for it had been publicly announced to the House some days ago by an hon. member that a motion would be made on this day, similar to that which had been rejected on Friday last: and therefore having all the information which he could derive from such a notice, it was perfectly competent for him to rise, if he pleased, to move to adjourn, in order to prevent the discussion of a question, which he no longer thought necessary. His reason for thinking it was no longer necessary was, that as the object of the motion was to remove his Majesty's ministers, he could take upon him to say,

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that *his Majesty's ministers were no more ;* and therefore the object being already attained, the means by which gentlemen had intended to obtain it, could no longer be necessary.

The other side of the House called out for lord Surrey! lord Surrey! accompanied with the words "No adjournment! no adjournment."

Mr. *Hopkins* obtained a hearing, and said, though he was ready to admit the noble lord in the blue ribbon had not been out of order before, he had been most thoroughly out of order in what he had then said. The noble lord had no right to presume what was the tendency of any motion, before it was made; every syllable, therefore, that he had said relative to the motion to be expected from the noble lord near him, was clearly out of order.

A clamour prevailed here, in consequence of an infinite number of members of both sides rising to speak at once, but Mr. Pitt obtained the preference after lord North had said, "I did not put a question of adjournment, I merely informed the House, what I meant to have done, had I been heard when I first rose;" to which sir Fletcher Norton assented.

Mr. *W. Pitt* then said, he was sorry to see, that the noble lord in the blue ribbon had attempted to excite the attention of the House, before a matter of such universal expectation as the motion, which it was known for some days past would be made by the noble lord near him, was heard, and more so that this had given rise to so much heat, eagerness, and disorder. He should have conceived the regular mode for the noble lord in the blue ribbon to have proceeded, would have been to have waited till the other noble lord had made his motion, and then, if he had thought it right or proper, to have moved his question of adjournment upon that, to state, in his speech, his reasons for urging such adjournment. By so doing, the House would have seen their way clearly and distinctly, and would have been able to have formed a judgment fitted to the occasion, without shewing any of that heat and eagerness, which was in no case proper, but least of all in a moment like the present.

Mr. *Fox* finding that the House was in very great confusion, thought that the best way to produce order was by moving, that lord Surrey be allowed to make his motion; and he thought this the more necessary, as the House could not place any confidence in the word of the minister; and therefore, ought not to believe upon that word, that the King's ministers were no more; the House ought to take care, and it had it in its power effectually to take care, that the ministers should be no more; a vote of that House would suffice; and while they had it in their power to pass such a vote, they ought not to omit it. He therefore concluded with moving, "That the earl of Surrey do first speak." This motion being read from the chair,

Lord *North* rose and said, that he had now a right to speak to the question. The noble lord began with declaring, that he had been extremely surprised to hear from an hon. gentleman who spoke last but one, that what he had risen to say, should have occasioned so much heat and disorder. Nor was he less surprised at being told, that he knew not the purport of the noble lord's intended motion, and that it was impossible for him to have known it, till it had been regularly made. Did gentlemen recollect that the House had been expressly informed, when notice was given of that motion, that it was a motion somewhat differing in point of form, but essentially the same in substance, as the motion of Friday last, and the motion of Friday se'nnight? Would any gentleman assert, that the tendency of the motion was a secret? Would any gentleman go so far as to say, that it was not a motion, the object of which was a vote of the House, expressing it to be the desire of parliament, that his Majesty's ministers should be removed? Did he stand liable to contradiction, when he declared, that he conceived such to be the object of the intended motion, and that he did not imagine he stood alone in the knowledge, that such was its object? Such, then, being the case, where was the impropriety, where was the irregularity, where was the error in his rising to say, that the object of the motion was already accomplished; and that no debate was necessary? Nor could he imagine, that what he was about to have said, had it been agreeable to the House to have suffered him to go on, would, by any means, have occasioned either heat, or eagerness, or disorder in the House, as the hon. gentleman had been pleased to say, it would have done. It would be very extraordinary, indeed, to hold, as an argument, that a declaration

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of the business being already done, which it was the object of the motion of the day to effect, would give rise to heat, to eagerness, or to disorder. The House would remember, that in the debates which had taken place repeatedly within those walls, in the course of the past three weeks, it had been again and again declared, that the country was in a state of distraction and confusion, that there was no administration, that every thing was at a stand, and that he was the obstacle to good government and good order being restored. He had come down that day, therefore, to assure the House, that he was no longer the obstacle he had been described to be. His lordship said, he would not mention names, but he could with authority assure the House, *that his Majesty had come to a full determination to change his ministers.* This intelligence he had conceived, would have been sufficient to have induced the House to be of opinion, that it would be altogether unnecessary to debate a question, which had for its object a removal already effected; and with that view it was, that he had offered himself so early to the notice of the chair.

He could pledge himself to that House that his Majesty's ministry was at an end. Before, however, he took leave of his situation entirely, he felt himself bound to return his most grateful thanks to the House for the very kind, the repeated, and the essential support, he had for so many years received from the Commons of England, during his holding a situation to which he must confess he had at all times been unequal. And it was, he said, the more incumbent on him to return his thanks in that place, because it was that House which made him what he had been. His conduct within those walls had first made him known, and it had been in consequence of the part he had taken in that House, that he became recommended to his sovereign. He thanked the House therefore for their partiality to him, on all, and—he would use the phrase—for their forbearance on many occasions. Certainly he could not be pleased at their not thinking him any longer worthy of the confidence of parliament, nor for their wishing to vote his removal, but their general support of him, through a service of many years continuance, claimed his fullest acknowledgments and his warmest gratitude; and he ever should hold it in his memory as the chief honour of his life, to have been so supported. A successor of greater abilities, of better judgment, and more qualified for his situation, was easy to be found; a successor more zealous for the interests of his country, more anxious to promote those interests, more loyal to his sovereign, and more desirous of preserving the constitution whole and entire, he might be allowed to say, could not so easily be found. The crown had resolved to choose new ministers, and he hoped to God, whoever those ministers were, they would take such measures as should tend effectually to extricate the country from its present difficulties, and to render us happy and prosperous at home, successful and secure abroad.

Having said so much, his lordship declared, that unless the motion of the noble lord was not what he supposed it to be, that it did not go to any new point, nor aim at more than the bare removal of ministers, he saw no reason for putting it then. At any rate, let the motion extend ever so far, there could be no necessity for being in such a hurry about it, as to insist on putting it that day. Having for so many years held a public situation, and been entrusted with the management of public affairs, he was perfectly conscious he was responsible for his conduct, and whenever his country should call upon him to answer, it was his indispensible duty to answer for every part of that conduct. For which reason, he pledged himself to the House that he would not run away; and neither the noble lord who intended to make the motion, nor any other hon. gentleman who meant to have supported it, need be at all apprehensive, that if it were not made that day, it would not be made while he was to be come at. He did assure the House he should remain to be found, as much as ever, and would on no account avoid any enquiry that might be thought necessary with regard to him. Upon these grounds, his lordship moved the question of adjournment, on the question moved by the hon. gentleman opposite to him. He confessed that at present the adjournment could not be of any other consequence than to put off the question till to-morrow; and his wish was to adjourn for a longer period, in order to give his Majesty time to make the necessary arrangements for a new administration: however, as there was another motion before the House, the adjournment could take place only for one day; and, to-morrow, he should propose a further

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adjournment for a few days. There was, indeed, another mode of proceeding, and that was by delivering a message from his Majesty to both Houses, desiring that they would adjourn for a few days, until he should have time to form a new administration; but the reason why he had not adopted that mode was, that there were several Bills before the House of Lords, which it would be necessary to have passed before the recess; and therefore it was necessary that the Upper House should remain sitting; the same reason, however, did not subsist for the Lower House continuing to sit. He concluded, therefore, by moving "That the House do now adjourn."

Mr. *Wm. Pitt* rose to explain what the noble lord had so very much misunderstood. He had not charged the noble lord with pretending to know more of the motion intended to be made, than any other member of that House must be supposed to know from the notice that had been given of it: he had merely alluded to the heat and disorder, evident in the House, and had said, that he had conceived, as he still did, that it would have been more regular for the noble lord to have waited, till the motion that was expected, had been made, and then to have risen and moved an adjournment, for the reasons the noble lord had stated. A great deal that had fallen from the noble lord in the blue ribbon, certainly was material, and would doubtless have its due weight with the House; if, however, gentlemen were inclined to rely on the noble lord's declaration, and the other noble lord should on that account consent to postpone his motion, it at least was necessary to have that declaration accurately, clearly, and correctly defined, so that the House might fully comprehend to what extent the noble lord pledged himself, and that his declaration of that day was not merely a plea for getting rid of the motion, in order that they might be put out of possession of their majority.

Lord *John Cavendish* begged to be heard a few words. The noble lord's declaration had great weight in his mind; at the same time, he thought the noble lord had not said enough. He had not told the House for what they were to adjourn, nor to what day. As to going into a detail at large, of the circumstances alluded to by the noble lord, he was perfectly aware, that it would be highly improper, and indeed, that it was from motives of delicacy not to be desired. All he wished for was, that the noble lord and the House might perfectly understand each other's meaning before it was agreed to withdraw, or rather to postpone the motion, intended to have been made that day.

Lord *North* rose again, and said, had he been permitted to have spoken when he first rose, and before any question was put, he should have made the declaration, which the House had heard, and followed it up with a motion for an adjournment of a few days. A question having, however, been moved before he could do so, and the chair being in possession of that question, the noble lord and the House must be aware, that he could do no otherwise than barely move to adjourn, which of course meant no more than an adjournment till morning. With regard to a fuller and more explicit detail of the particulars to which he had alluded when he was up before, the noble lord who spoke last, had confessed he was aware that it was a matter neither proper in itself, nor to be expected by the House. Thus much, however, he would venture to say, that those persons who had for some time conducted the public affairs, were no longer his Majesty's ministers. They were no longer to be considered as men holding the reins of government and transacting measures of state, but merely remaining to do their official duty, till other ministers were appointed to take their places. The sooner those new ministers were appointed the better it would be, in his opinion for the public, and the better for the country in general.

Mr. *Fox* said, that it did not seem to be a matter of any great importance, whether the motion of his noble friend the earl of Surrey should be put, or they should trust to the solemn declaration made by the noble lord. He could have wished, perhaps, that the motion were put and carried, because it would then manifestly appear to the nation at large, that the ministers of the crown did not retire either from the caprice of this or that minister, or from their wishing to go out, or from their being tired of their situations, or for any of the common reasons which ordinarily occasion the resignation of ministers, but because it was the sense of parliament, that they should retire, because that House had expressly called upon the crown for their dismission, and because the good of the country made it absolutely necessary. These were the reasons which impelled

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him to wish the motion put and carried. On the other hand, they had the less weight with him, because it was, he trusted, already sufficiently known, that the sense of parliament was against them, and although the motions of Friday last and the Friday before, had not actually been carried, yet he considered that motions debated in such full houses, and where the minister had so small a majority as nine or ten, were in effect carried, and in all reasonable construction, as much carried, as if there had not been such a majority against them. The great end, therefore, of carrying the motion of his noble friend, was already, in his mind, and he believed, in the consideration of the whole country, effectually answered. For which reason, he begged, that, let who would be the persons who should be called on by their sovereign to form the new administration, they might ever hold it in their minds, that his Majesty's late ministers were dismissed, because parliament disapproved of the system of their government, and that it was evident from parliament having gone so far to effect a removal of ministers, that it would be expected their successors should act upon different principles, and in a manner totally opposite. He declared, it had given him great pleasure, the preceding evening, to hear an hon. member say in a thin House, that he hoped, if his Majesty's ministers were removed, those who should be appointed in their room, would no longer govern by influence and corruption, and that if persons who had been in opposition came in, they would religiously adhere to their opposition principles, and not let it be a mere change of hands, without a change of measures. He enlarged a good deal on this idea, and in a warm manner declared, that he should ever hold those men infamous, be they who they might, who altered their principles on obtaining power; and that as the House had solemnly determined by their late conduct, that they rejected and abhorred a government of influence, the new ministers must always remember that fact, and remember also, that they owed their situations to that House. Mr. Fox concluded with advising his noble friend, not to make his intended motion that day, but to reserve it for Monday, in case the noble lord's declaration should fall short of its expected completion. He also agreed to withdraw his own motion.

The Earl of *Surrey* said, that he was not fully convinced that his motion ought not to be put. On the contrary, the whole weighed in his mind as an additional argument for its being made. He was not, however, at all desirous of pressing his motion upon the House, should it be the general opinion that it would be better not to put it. What had fallen from his hon. friend who had just sat down, certainly weighed a good deal on his mind; he should therefore listen to what might fall from gentlemen of all parties, and reserve to himself a right to put his motion, if he felt his own opinion supported by that of the House.

Mr. *Rigby* paid the noble lord behind him many compliments on the handsome manner in which he had consented to postpone his motion, should it prove most agreeable to the general sense of the House, reserving to himself withal the power of still moving it, should the case turn out to be otherwise. For his part, he could not see the least occasion for such a motion as that which had been expected, after what had fallen from the noble lord in the blue ribbon. He had no idea that the noble lord's declaration was not sincere, and that every word that had dropped from him, was not to be depended upon. Indeed, should any minister venture to come down to that House, and make such a declaration, as that which the House had heard from the noble lord, merely for the purpose of deluding parliament, he knew not words of sufficient import to describe the infamy of that sort of conduct. He was persuaded the noble lord had no fallacious intention whatever; and if it should hereafter turn out, that the smallest deceit was at the bottom of what had passed that day, he pledged himself to the noble lord behind him, not only to support his motion next Monday, or whenever he should be pleased to make it, but farther, to join with him in a motion of censure, as strong as parliamentary precedent would allow. With regard to the noble lord, who had declared that he was no longer a minister, he ever had entertained, and still entertained, the highest respect for him. The noble lord, in his mind, was perfectly justified in retiring; after such a division as that of Friday last, he had advised him to retire. A majority of nine was nothing; and it appeared to him, that there was no standing against so respectable a minority as 227 men of great abilities and high character. That minority growing out of the feelings of the country, in consequence of the distresses

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of the war, must outweigh any minister, let him possess abilities even greater than those of the noble lord. Indeed, such a minority, on a motion for withdrawing confidence from ministers, was a hint too broad to be misconceived or trifled with. As to the new ministers, be they who they would, he hoped they would form an administration on a bold, sound, solid basis, and would prove equal to the task of extricating the country from its present difficulties. It had been said, that some men could make peace better than others, and that the Americans would sooner treat with gentlemen who sat on one side of the House than with gentlemen who sat on the opposite benches; he should be happy to find the prediction verified. He wished success to an administration that came in upon such laudable views, and they were welcome to his vote, which was all he had to give them. They should have his support at least, and he should rejoice most heartily to find their endeavours to save their country prosperous.

Mr. *Baker* urged the propriety of putting the motion to the vote, that had been originally intended to be made by the noble lord near him. The noble lord in the blue ribbon had promised a good deal, and he was inclined to give his promises credit; but if he was to compare what he had said that day, with what he had said formerly, and to call to mind the noble lord's usual faithlessness to parliament, there was but little reason for putting confidence in him on the present occasion. There was a sentence in the noble lord's speech, which struck him very forcibly. The noble lord had told the House that his Majesty's ministry, constituted as it then was, would be removed. What did the noble lord mean by the words, constituted as it then was? Was the noble lord only, or one more minister, to go out? If so, the meaning of that House was frustrated, for it was not merely a shifting of a part, but a removal of the whole administration, in order that new measures might be adopted, which parliament and the people panted for.

Mr. *Powys* said, he understood the question to stand thus; a motion had been made, "that the earl of Surrey do speak first," the question of adjournment had been put on that, and the mover of both had severally agreed to withdraw them, with the leave of the House, provided his noble friend would not press his intended motion that day. Having heard the declaration of the noble lord in the blue ribbon, which he was inclined to believe, he should advise his noble friend to give up the idea of making the motion which he intended for the present; but if on Monday next, it did not appear that every atom of the present administration, those that were ministers behind the curtain, as well as the ostensible ministers, the invisible as well as the visible agents, that had governed the country so long, and precipitated it to the verge of ruin, were removed, then he should wish his noble friend to bring forward his motion, and take the sense of the House upon it.

Mr. *Burke* said, that that was not a moment of levity or exultation; he regarded it with a calmness of content, a placid joy, a serene satisfaction; he looked forward with fear and trembling; but the present was a moment of great awfulness, and every gentleman who expected either to form a part of the new administration, or intended to support it, ought to question themselves, examine their own hearts, and see, whether they had been acting upon principles that were strictly right, and upon which they could continue to act in power, as firmly as they had continued to act upon them, while out of power. If, upon such an examination, any gentleman found he could not, that man, be he who he might, ought not to accept of power. The present, he farther said, was that peculiar period of men's lives, when their ambitious views, that had lain secretly in a corner of their hearts, almost undiscovered to themselves, were unlocked, when their prejudices operated most forcibly, when all their desires, their self-opinions, their vanity, their avarice, and their lust of power, and all the worst passions of the human mind were set at large, and began to shew themselves. At such a time, let men take care what they did, how far they went, and what limits they prescribed to themselves; and let those also who did not wish for power or place, examine what their duty was, and how far they ought to act in future, so as to preserve a perfect consistency of conduct. A great deal of most astonishing eloquence had been heard within those walls, and men of the first and rarest talents had exerted themselves extremely to bring about, what the noble lord in the blue ribbon had that day declared was near at hand. But neither the abilities of the one, nor the eloquence of the other description of persons, had tended so much towards

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the accomplishment of that which was near at hand, as the spirit of the people, and the conduct of the independent members who best spoke that spirit. They had seen for a length of years the system of corruption going on, and they had seen it with melancholy minds; for, from the immense power of that corruption, from the towers with which it was surrounded and fortified, they saw no hopes of ever being able to overthrow it. For a long time, therefore, they were inactive by dejection; they were rendered submissive by despair; and this fatal torpor gave new and additional strength to the enemy, it gave them the most delusive advantage of all others, the appearance of stability, by which the weak were seduced to join them, and the wicked were confirmed. When you were thus erroneously and criminally negligent, they were safe, but when at length, urged by the accumulated distresses of your country, you saw that there was no benefit to be expected from patience, and that there was even no prospect from hope, you aroused from your lethargy and testified the force of independence. When you joined together with one voice, one mind, and one action, you found that that which lived only by your submission, sunk instantly beneath your attack. He begged them, therefore, to recollect what their conduct had been hitherto, what their conduct had principally accomplished, and what ought to be their conduct in future. The removal of ministers was one great point gained; but the end that every lover of his country must look up to and ardently desire, was not by any means achieved in the mere removal of ministers. Much and the most essential part of the work remained to be performed, and nothing could ensure the completion of the business, but the steadiness of that House, and above all, the firmness of the independent members; the new administration was the work of their hands; it was their duty to give it that support, without which it would be impossible for it to subsist. There was a certain fatality attending human nature, which very often defeated the best purposes; for the greatest virtues were generally accompanied with very great defects; independence and public spirit were attended with indolence and supineness; and those gentlemen who had effected the great change of ministers might lose all the benefits, which might have been expected, by indolence and inactivity; their support should be zealous and unremitting: no administration could exist long without support; and when abandoned by the independent interest, ministers had hitherto resorted to the detestable means of corruption; but in that they were not so much to blame as the independent gentlemen who suffered them to do it. Government could only exist in two ways, by its purity, wisdom, and success, which secured to it the love and support of the virtuous and independent; or it must exist by the means of corruption, which brought to its aid the needy and the profligate; and as government must be supported, the independent men ought to take to themselves blame if they forced a virtuous administration to resort to corruption; he repeated it, therefore, that their support ought to be steady, uniform, and active: and the more so, as the ministers who were retiring, were not going out in consequence of an address of that day; they were not tired of their places; and their sovereign was not tired of them; and therefore the work of the independent gentlemen would be incomplete, if they did not resolve to support their own ministers with zeal and perseverance. The necessity of this advice made him earnest in giving it, and he hoped in God now to see an administration formed not only of independence, but of solid, substantial, and permanent power. He hoped in God that we should now have an opportunity of perceiving how much more beneficial to a country, as well as honourable, a government of virtue was to a government of corruption. How much more likely it was to give us union, action, and zeal at home—to give us eminence and respect abroad. He was convinced that with such a government, we might yet entertain well-founded hopes of raising this country again upon its legs; we might at least procure time to breathe, to collect our strength, to combine our resources into one great and profitable fund, by which we might be able to direct our efforts with success against our enemies. He concluded with warning gentlemen again not to indulge the joy which was but too natural on such a deliverance; not to feast their minds with the idea that all was finished because it was begun. It was a moment for the most serious temper, because there was necessity for the most serious action.

General *Conway* agreed perfectly in every thing said by the hon. gentleman

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excepting one, and that was, what he had said relative to the necessity ministers were under of resorting to corruption for support, when they could no longer get it from the independent members of that House: he hoped he misunderstood the hon. member; for he should be unhappy, indeed, if any thing bordering upon an excuse for corruption, should fall from a gentleman for whom he had an esteem,—perhaps superior to any he felt for any man;—and he should be still more unhappy at hearing it fall from the lips of a man, who most likely would be one of those ministers to whom the country looked up for its salvation. For his own part, he did not think that resorting to corruption, in any one case, even for the good of the state, could be justifiable; for he held, that if ministers could not carry their measures through by honest means, it was their duty to resign. All our hopes, all our expectations, all our wishes, he was persuaded, depended on a system of incorruptibility, and not on a system of corruptibility. If not "Actum est de republica pulcherrima!" With regard to a government founded on corruption, therefore, the sooner such an idea was refuted the better. He protested before Heaven, that with all the detestation which he had for the infamous system which was now abolished; and with all the resentment which he entertained against those wretched ministers who were now discharged; he would rather see that system renewed with those ministers at its head, than that a more insidious, because a more plausible government should be set up under the sanction of names more elevated, upon the same principle. Against such a government there would be no safeguard, the good would be deluded, the base would be employed, and the nation would be ruined. No; if we must have a government of corruption, let us have governors who are suspected, that the nation may be on its guard; not that he imagined the hon. gentleman had any intention to resort to corruption; he had merely thrown out the idea, to shew the independent members that it rested on the virtue of that House to keep an administration virtuous.

Mr. *Burke* lamented that any thing which had fallen from him should have given his hon. friend an idea that it was possible for him to countenance corruption even for a moment; he flattered himself, that the whole course of his conduct was a continued proof that he reprobated corruption in every point of view; and that, therefore, he could not mean to become an advocate for it in that House: he had meant no more than this in what he had said, that ministers not finding sufficient support from the independent interest, resorted for it to corruption; and that in such case ministers were less to blame than those members who suffered them to do it: if he appeared in this to take any blame from ministers, it was only to heap the more on those who, through indolence or inactivity, should withhold their support from measures which they approved. All that he had in view from what he had said was to warn men against the danger of inattention; and to shew them the possibility that in some future moment, it might be imputed to them by ministers that their neglect had forced them to what they otherways would have rejected—to corruption—and that perhaps a minister might charge them with at least a part of the guilt. He begged it to be remembered, that he had not talked at all as if a system of corruption was likely to be adverted to; what

"Flectere si nequeo superos, Acheronta movebo!"

No! he never meant to say, that if an administration could not govern by virtue and integrity, it ought to resort to influence and corruption. He never meant to insinuate his approbation of such conduct. He was clearly of another mind; and thought with the right hon. gentleman that a minister ought to resign his seat rather than resort to base and unworthy means. He had never supported but one administration in that House, and no member he believed would accuse that administration of governing by corruption. He said the right hon. gentleman had talked, as if he had been likely to become a minister. God knew, Mr. Burke said, he had no such views, nor had he a right to have any such. The thing was not within probability; the right hon. gentleman was himself infinitely more likely to become a minister than he was. He was neither a man who had pretensions to it from rank in the country, or from fortune, nor who aspired to it from ambition. He was not a man so foolishly vain, or so blindly ignorant of his own state and condition, as to indulge for a moment the idea of his becoming a minister: the right hon. gentleman, whose rank and pretensions naturally pointed to that elevation,

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had undoubtedly a right to look forward to it; and no man deserved it more: it must give pleasure and joy then to the House, to hear the language which he had just delivered; and the abhorrence which he had expressed of that wicked and ruinous system, which, after a struggle of so many years, they had at last abolished, would be a pledge to the House, that when that right hon. person should become a minister, the House and the nation would have no reason to apprehend that that system would be renewed.

General *Conway* declared, he was extremely glad he had taken notice of the circumstance, since it had given the hon. gentleman an opportunity of clearing up, what, unexplained, might have gone forth to the world misunderstood and misrepresented, whence a variety of false and invidious constructions might have been put upon it. He appealed to the House, whether he had not gone before the hon. gentleman in almost every thing he had said, being thoroughly persuaded, that a man of his known integrity could never intend to act upon motives of corruption; indeed, he thought too well of every gentleman on that side the House to entertain such a suspicion; on the contrary, he was convinced, that if they found they could not go on with a government built upon pure and uncorrupt principles, they would think it much more noble to retire, and leave it to others to take their trial at the helm, rather than go back to the abominable system of corruption. With respect to himself he could assure the House, that in whatever situation he might be, whether that of a minister, or a private member of that House, he should always be the direct, avowed, and most determined foe to corruption; nor should he ever consent to its introduction as a support to that system to which he should ever lend his name.

Mr. *F. Montagu* called the attention of the House to the question before them, which was that of adjournment. He wished particularly to call them to this; for at present entering into discussions of this sort answered no good purpose. It being clearly the general sense of the House to accede to the proposition of the noble lord in the blue ribbon, and postpone the intermediate motion of the day till Monday, to be then made if it should then appear to be necessary, he saw no reason whatever, why the House should continue to debate a matter that did not call for a word to be said on the subject.

Sir *John Delaval* took occasion to regret the loss of the abilities of the noble lord in the blue ribbon, in whose praise, as a man of talents and integrity, almost every side of the House had been loud, at one period or another. Sir John said a variety of handsome things of lord North.

Mr. *Courtenay* said, he could not claim the attention of the House under the very respectable character of a country gentleman, which, if his definition was right, implied a person possessed of considerable landed property; yet he hoped, what he himself deemed a misfortune, would not be imputed to him as a fault. Fortunately, it had been observed by an hon. gentleman, distinguished by his wit and talents, that independence consisted more in the mind than in the gifts of fortune; to this proposition, Mr. Courtenay added, both his interest and conviction induced him to subscribe; and he farther begged leave to deduce one corollary from it, which was this, that those were most likely to possess that noble internal quality, independence, in its utmost purity and perfection, who had little external to debase or adulterate it; therefore, as he waved all claim to the first denomination, he hoped he should not be reckoned presumptuous if he put in his claim to the latter. He observed, that notwithstanding the acrimonious remarks and insinuations of some gentlemen, there appeared a candour and ingenuousness, among men of the first character and abilities on the other side of the House, especially in the noble lord who was to move the question of the day, to agree to the motion of adjournment till Monday; and that the invidious and illiberal doubts, (so candidly suggested) of the sincerity of the declarations of the noble lord in the blue ribbon, were not received so warmly, and with so much applause, as might have been expected. He observed, that if the opinion he was going to deliver, had not truth for its foundation, it had certainly no other circumstance to recommend it. He acknowledged he had always given his support, since he had a seat in that House, to the noble lord in the blue ribbon. That he had done so from a persuasion of the rectitude of the noble lord's intentions, of the purity of which he remained as firmly convinced as ever; that, however, from a variety of untoward circumstances, there were parts of his administration which had not been as successful as might have

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been expected, there appeared through the whole of it a sincere anxiety for the prosperity of his country. His amiable and engaging disposition had procured him many friends; his unrivalled wit had created him many admirers; his unassuming manners (though twelve years at the head of the Treasury) had prevented his having any enemies; his mild and forbearing temper (of which he had exhibited so many striking instances) was seldom provoked, and when he was, his generous manly warmth did honour to his feelings. Mr. Courtenay said, if he took this opportunity of expatiating on the noble lord's praises, for the purposes of adulation, it was extremely ill timed; but as an evidence of the unfeigned respect he should ever bear for him, what he presumed to say, could not now be out of time:

"When int'rest calls off all her sneaking train,
When all the obliged desert—and yet complain."

He could not form a more sanguine wish for the happiness of his country, than, that in this day of difficulty, in this hour of calamity and distress, an administration might be formed, as able and as disinterested, as upright in their intentions, but more fortunate in the event, than that of the noble lord. The cry to adjourn was here so strong, that Mr. Courtenay, though he spoke in an elevated tone of voice, could scarcely be heard, upon which he called out very audibly, that neither his temper, disposition, nor country, inclined him to be intimidated, embarrassed, or easily put out of countenance, he would therefore finish what he had to say before he sat down, which was, that though he had not the honour of being one of those sagacious country gentlemen, who had so long vociferated for the American war (a war which he should ever think impolitic, unjust, and inexpedient) who had so long run on the red herring scent of American taxation, before they found out there was no game on foot; they, who, like their prototype Don Quixote, had mistaken the barber's bason for a golden helmet, he now congratulated them on having, at last, recovered their senses, and found out their error; yet he had as strong an affection for his country, and felt as much for the honour and prosperity of Britain, as any man in that House; he ardently wished to see an arrangement of ministers who would throw themselves on their country, and rest their support on the confidence of the people, founded on the public spirited measures they meant to pursue. He wished to see a constitutional administration, founded on the basis of public virtue and public œconomy; "when this corruption had put on incorruption, and this mortality had put on immortality;" such an administration, feeble and insignificant as his support was, should always have it. He concluded by declaring, that he felt himself perfectly composed, and in perfect good humour, though the other side of the House had not listened to him with their usual indulgence and attention. Their exultation, triumph, and interruption, he freely pardoned on this occasion:

When in their hands all power they found,
It well might make their brains turn round,
It well might turn their head,—
He fancy'd (tho' they hate a joke)
They felt as Nell did when she woke
In lady Loverule's bed.

Lord *Surrey* said, that his private opinion was, that his motion ought still to be put, but the House being of another opinion, he was ready to submit; but he must now say that as a right hon. gentleman had pledged himself to support him on Monday, in case any deception should be practised, he gave notice, that should that appear to be the case, and any part of the present administration remain, he would, on Monday, come forward with a motion, not the same as that he intended to have moved, which was in substance to complain of administration, and to resolve on an address for a change, but a very different motion indeed!

This declaration was supported by cries of hear! hear! from every side of the House.

Sir *Robert Smith* said, that he had intended to have seconded the motion which was to have come before the House that day; and feeling a similar resentment if he should be deceived, he would certainly second any motion which spoke the anger of that House.

Lord North and Mr. Fox now withdrew their respective motions; and lord North moved the House to adjourn to Monday, which was immediately agreed to.

March 22. In the House of Lords, the order of the day for summoning their lordships being read,

The Earl of *Shelburne* said, that he had on this day intended to have made a motion for the removal of his Majesty's ministers: he trusted their lordships would agree with him, that there were the most

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just and solid grounds for such a motion, and consequently that he had not, for slight or frivolous reasons, caused their lordships to be summoned this day. The deplorable state into which the army had sunk; the wretched condition of the navy, once the pride and bulwark of the nation, and the terror of our enemies; the distracted state of our finances, which were nearly exhausted; the glory and reputation of the country sullied, and almost destroyed, were subjects that afforded an ample field for melancholy reflection; and fully justified the trouble he had given their lordships: but, above all, the state in which the country had been for the last three weeks, strongly argued the propriety of the motion, which, when he moved their lordships might be summoned, he had in contemplation to make. His Majesty's first minister had declared, that he held himself bound to obey the order which the House of Commons had, in its wisdom, made, relative to the war in America; and yet the same minister had repeatedly professed, that he did not understand that order; sorry he was, that the alarming situation of public affairs had made it necessary, either that the country should be completely ruined, or that the legislative should interfere with the executive power, and direct it how to act; but still more sorry was he, that, after such a disagreeable step had been made necessary, and taken, the administration of affairs should remain in the hands of those, *who* pretended not to understand the meaning of the House of Commons. It was, therefore, to remove such men from his Majesty's councils, that he had resolved to make the motion which he intended to have submitted this day; but as he understood that the object of that was already answered, it rested with the House to determine whether it would be more proper to make it, or to suppress it: for his own part he was free to say, he no longer thought it necessary. A noble *lord in* another House had said, (and at the same he informed the House that he spoke from the highest authority) that his Majesty's ministers were no longer in office; or if in office, that they remained only to transact official business; he did not doubt the truth of that assertion; but when he reflected that the noble lord to whom he alluded, had so completely rooted out of the minds of the people every degree of confidence in his word, it was not surprizing that there should exist, as there certainly did exist, men who could not bring themselves to believe, that administration was at an end, or that what that noble lord had said, might be relied on. He confessed that, at the same time that he admitted the propriety of their diffidence in that minister's word, he himself did not entertain a doubt, but the declaration he had made to the other House was founded in truth; because he thought that to attempt to deceive parliament by such a declaration was so scandalous, so hazardous, and so dangerous a measure, that he believed not one of his Majesty's ministers could be found so hardy as to resort to it. If he should be mistaken in this opinion, which he trusted he was not, he would go as far as the power of parliament would permit him, to punish their audacity. Taking it then for granted that the object of his motion was already attained, he thought it would be inexpedient to press it upon their lordships: and that it would be proper to wait until the wisdom of his Majesty should form such an administration, as might carry with them the confidence of the people, save the empire from destruction, and rescue the character of the nation from contempt; when such an administration should be formed, he pledged himself to give them his most firm and cordial support, as long as they should act in conformity with those principles which he had uniformly maintained in that House: he had, in his political character, acted always upon principle; and upon principle he would continue to act to the last moment of his life. He would not say more; this was not a time for professions: the times were critical and dangerous; and men must soon be known by their acts and not by their professions.

Viscount *Stormont* said, that he would not trouble their lordships with many words, as no motion had been submitted to their consideration: to the lamentations of the noble lord over the calamities of this country, he was ready, most sincerely, to join his hearty wishes, that an administration should be formed, that might restore the kingdom to its former greatness, glory, and reputation: this had been the constant wish of his heart, and of all those with whom he had had the honour to act. To the general censures thrown out against administration, he could only make this general reply, that his Majesty's ministers held themselves to be responsible for their

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past conduct, and that they were ready to submit to the judgment of their country, whenever they should be called upon, conscious that it would be found that they had, to the best of their abilities, pursued, during the course of their administration, the interest and prosperity of the kingdom: from the particular situation in which he had passed a considerable part of his life, he had a much longer account to make up than any other of his Majesty's servants; but long as was that account, he would with pleasure stand the scrutiny of parliamentary investigation, whenever parliament should think proper to call upon him. The noble lord had raised his astonishment to a very great degree indeed, when he said that another noble lord, in another House, had so worn out all confidence, that his word could no longer be trusted to. [Here lord Shelburne said, in a low voice across the House, all public confidence.] For he trusted that the noble lord who had spoken last, would be found to be the only person who held such an opinion of the noble lord in the other House. He would not then make any comparison between the noble lord alluded to, and any of his predecessors; he would not compare him either with any living minister, or with those on whose memory time, and the general voice of the public, had stamped the impression of greatness; but this much he would say of that noble lord, that his character had conquered even envy; to the most splendid talents he added the most ardent zeal for his country's good, and the glory of his sovereign; the most perfect disinterestedness, and such unsullied integrity, that even slander had not dared to tarnish it. That noble lord was also ready to submit his conduct to the judgment of his country; he would place his life, and what was more, his honour, in the hands of that House, because he knew they did not make either the highest panegyric on the one side, or the most severe and general invective on the other, the standard of their decisions.

The Earl of *Shelburne* expressed his hope, that the House would excuse him if he should make a few observations on what had fallen from the noble viscount; and explain to him one thing, in which he found he had not been properly understood: when he said that the noble lord in the other House had worn out all confidence, he meant, that as a minister he had so often imposed upon the credulity of the nation, that they could no longer repose confidence in him as a public man. This was a charge which had been often urged to the noble lord in question, and which had never been so much as denied, and much less, had never been disproved. That there were many men who did not believe that noble lord's declaration in the lower House was a fact, which he would assure the noble viscount, upon his own knowledge, to be true; and he hoped his lordship would give him credit for this assertion, without calling upon him to point out and name the particular lords, who without any privacy, secrecy, or management, had frankly declared to him, that they could not bring themselves to believe that the noble lord in the other House was sincere in his declaration; he had listened, he said, with great patience, to the noble viscount's descanting upon the merits and character of that noble lord; nay he had listened to him with pleasure, as to the wording of the panegyric of his friend; but he must confess at the same time, that the panegyric had greatly surprised him: it was natural for one minister to praise another, and therefore he could not be surprised at hearing the noble viscount praise his colleague; but he was surprised at hearing the panegyric of a character, which, he believed, no one member of that House, the noble viscount only excepted, would have ventured so much as to defend. The noble viscount had expressed great readiness to submit his conduct to the judgment of parliament; he had thrown down the gauntlet, and challenged an enquiry; he seemed to exult and triumph at the result of it; but their lordships had too much experience to be in danger of being imposed upon by mere sounds. He himself was not an old man, but he was old enough to remember similar challenges thrown out in that House, to provoke, as it were, an enquiry; he had often heard men speak big when enquiry and danger appeared to be at a distance; but when that distance began to lessen, and enquiry seemed to be advancing apace, then he had remarked a great alteration in the language of those men; their voice fell, their high words were softened down, and they then as studiously began to shun enquiry as they had formerly pretended to provoke and defy it, while it appeared at a distance: he wished that the noble viscount might not resemble those men; he wished that his language might be at all times as lofty

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and bold as it had been that day; and he wished that he should be always able to preserve on his countenance that lively smile, which in times like the present, when the nation was nearly undone, must by every one be thought so very becoming: for his own part, he was not by temper an accuser, and therefore he would not say, that he ever would move an enquiry into the conduct of the noble viscount, and his colleagues; but, at the same time that he declared he was not by temper an accuser, he would assure the noble viscount, that he was not, by character, a screener of culprits; and that if others should be desirous to bring forward that enquiry which the noble viscount appeared so much to court, and from which (he could not tell with what ground for confidence) he promised himself so much honour, he never would stand between that minister and his colleagues, to shield or screen them from enquiry, and the consequences that might attend it. His lordship concluded by observing that, as he could discover they did not wish him to make his motion then, he would suppress it for the present.

The House adjourned to the 25th; and on the 25th, again adjourned to the 11th of April.

March 25. The House of Commons was uncommonly crowded, as the conversation of the day was, that at twelve o'clock that day the negociation was not concluded; but as soon as the private business was over,

Mr. *Dunning* rose, and said that it was with peculiar satisfaction he found himself enabled, through some communication he had had that day with a most respectable member of the upper House, to inform gentlemen that arrangements were now making for forming a New Administration, which he trusted would meet the wishes of that House, and of the nation at the large. In order, therefore, to give time for the final adjustment of those arrangements, he would move that the House should adjourn to Wednesday. This, he said, was a short interval; but he hoped it would be long enough to effect those arrangements so much and so ardently wished for by the whole nation.

Lord *Surrey* expressed his satisfaction at hearing that such arrangements were likely to take place, as would render it unnecessary for him to trouble the House with his intended motion. He cautioned gentlemen, however, to beware of thinking that their work was complete; a new administration was not their sole object; it was desirable only in as much as it would contribute to save the state; but the ship was not yet in port; and he was afraid that the united efforts of the greatest abilities of our statesmen, and the greatest exertion of our officers, would be barely able to save her.

The *Lord Advocate* took the opportunity of saying, before the question was put, that if no proceedings had taken place in consequence of the reports from the Secret Committee, it was not his fault; the state of affairs for the last three weeks had been such, that it was impossible to bring that business before the House: however, as it was of the greatest importance that something should be done on the occasion, he gave notice, that if some person of greater weight and abilities would not take up the business, he should hold himself bound to bring it forward the very first opportunity after the recess.

General *Smith* rose, not to oppose, but to enforce the arguments of the learned lord: our affairs in India were such, he said, that our settlements in that part of the world would be in the greatest danger, if notice should not be sent out in the course of a month, that some measures were likely to be soon taken by parliament, for the better government of our possessions in that part of the world. The month of March was already nearly at an end, and nothing had yet been done on the reports of the two committees. If something was not determined on, respecting the subject of both reports, before that day month, he verily believed, consequences of a very serious sort, and extremely prejudicial to the interests of this country, would ensue; he therefore hoped the earliest opportunity of entering upon the business, that should offer after the recess, would be taken by the learned lord, and that the House would pay the subject the attention it merited.

The question was then put, and the House adjourned*.

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* During the adjournment, the New Administration was formed under the auspices of the Marquis of Rockingham. The New Cabinet was thus composed:

Marquis of Rockingham, First Lord of the Treasury.

Earl of Shelburne, Hon. Charles James Fox, Principal Secretaries of State, (The third Secretaryship abolished.)

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March 27. Colonel *Luttrell* addressed the House in a very serious manner. He said, that, from the regard he bore to all that now remained of the British empire, he felt it to be proper to call their attention to the present state of Ireland, from which kingdom he had just arrived. He wished to convey information to the ministers of this country, whoever they might be, relative to the situation of the country. Ireland was at present in so perturbed a situation, that if some measures were not timely adopted to restore it to tranquillity, the most serious consequences might be apprehended: tumults might arise, and confusion swallow up order and regularity. The temper and disposition of the Irish, he knew, at present, to be such, that it would be both practicable and easy to satisfy them; but if any time was lost, he would not answer for the consequences. Here he was called to order, by

Mr. *Byng*, who apologized for interrupting his hon. friend. He had called him to order, though in fact he could not say that he was disorderly; but as his hon. friend had risen to convey information to the new ministers, he only wished to remind him that none of them were then in the House, and to conjure him not to proceed in so very delicate a subject at present; but to give the ministers in private that information which he was so properly anxious to communicate to them. He could venture to assure him, that those ministers, of whom he neither was nor intended to be one, would be happy to receive his information, and would take every step which wisdom could suggest for healing the uneasiness of Ireland.

Colonel *Luttrell* replied, that he did not as yet know who the ministers were; however, in compliance with the wish of his hon. friend, he was willing to suppress for the present what he intended to say on the subject, and to wait till the new ministers should be settled in office, when he would communicate faithfully and truly his sentiments relative to the present state of Ireland; he would therefore content himself for the present, with saying that the attention of the new ministry could not be too soon turned to the affairs of Ireland; and nothing ought to be omitted to conciliate the affections of the people of that country.

The *Lord Advocate* brought up several reports from the Secret Committee on

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Lord John Cavendish, Chancellor of the Exchequer.

Admiral Keppel, (created a Viscount), First Lord of the Admiralty.

Duke of Grafton, Lord Privy Seal.

Lord Camden, President of the Council.

Duke of Richmond, Master-General of the Ordnance.

Lord Thurlow, to continue Chancellor.

General Conway, Commander in Chief of the Forces.

John Dunning, esq., Chancellor of the Duchy of Lancaster, and created Baron Ashburton.

Besides the above, which composed the Cabinet, the following arrangements took place:

Duke of Manchester, Lord Chamberlain.

Viscount Chewton, Vice Chamberlain.

Viscount Weymouth, Groom of the Stole.

Earl of Jersey, Master of the Buck-Hounds.

Earl of Carlisle, Lord Steward of the Household.

Lord Rivers, Lord of the Bed-chamber.

Earl of Effingham, Treasurer of the Household.

Earl of Ludlow, Comptroller of ditto.

Lord de Ferrars, Captain of the Band of Gentlemen Pensioners.

Lord Viscount Althorpe, James Grenville, esq., Frederic Montagu, esq., Lords of the Treasury.

Sir Robert Harland, bart., Hugh Pigot, esq. Lord Duncannon, Hon. John Townshend, C. Brett, esq., R. Hopkins, esq., Lords Commissioners of the Admiralty.

Richard Brinsley Sheridan, esq. Thomas Orde, esq., Under Secretaries of State.

Lloyd Kenyon, esq., Attorney General.

John Lee, esq., Solicitor-General.

Hon. Thomas Townshend, Secretary at War.

Right Hon. Isaac Barré, Treasurer of the Navy.

Edmund Burke, esq., Paymaster-General of the Forces.

Earl of Tankerville, Right Hon. H. F. Carteret, Joint Postmaster General

Lord William Gordon, Vice Admiral of Scotland.

Sir William Howe, Lieutenant General of the Ordnance.

Hon. Thomas Pelham, Surveyor General of ditto.

Lord Howe (created a Viscount), to command the grand Fleet.

Sir Fletcher Norton, created Lord Grantley.

Duke of Portland, Lord Lieutenant of Ireland.

Earl of Scarborough, Sir George Yonge, bart., Joint Vice-Treasurers of Ireland.

Colonel Fitzpatrick, Secretary to the Lord Lieutenant.

Lieut. General Burgoyne, Commander in Chief of the Forces in Ireland.

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India affairs; and gave notice, that as he thought it absolutely necessary, that some steps should be speedily taken respecting our settlements in India, he would, on the first Tuesday after the recess, move to have the reports taken into consideration.

New writs were then moved for, for such gentlemen as had vacated on account of their accepting offices.

Debate in the Commons on the Affairs of Ireland.] April 8. As soon as the ceremony of swearing in the re-elected and new members was over,

Colonel *Luttrell* rose and reminded the House, that, previous to the recess, he had expressed a desire to say something relative to the very critical situation of Ireland, and that he had been prevented from indulging that desire by a request from an hon. member, that he would not introduce any question upon so important a subject in the absence of his Majesty's ministers, who having been at that time just appointed, had vacated their seats in that House, and consequently could not be present at the discussion of a subject, which he owned ought not to be agitated without them: that the same hon. member had requested he would speak to them, before he should say any thing relative to Ireland in that House; and assured him at the same time, that he would find the new servants of the crown most ready to do every thing in their power to promote the welfare and happiness of every part of his Majesty's dominions. He had given way to the desire of the hon. member, and had conferred with two of the new ministers, and he felt himself bound to say publicly of them, that he found them extremely well disposed to do every thing in reason to quiet the discontents of the people of Ireland: as far as they were concerned he was satisfied; but as he then saw in his place a right hon. gentleman (Mr. Eden) who knew best the situation of Ireland, he certainly wished that before his return, the right hon. gentleman would explain to the House a little of the present posture of affairs in that kingdom.

Mr. *Eden* thought that in the situation in which Ireland then stood, the eyes of men were turned upon him, who being a member of the legislature of that kingdom, as well as of this, and at the same time in a ministerial capacity in the former, must be supposed to be well acquainted with the nature of the jealousies and demands of the people of Ireland: he presumed that it would be expected of him to say something of affairs in which he himself had borne a part, and to propose some measure which should tend to conciliation with Ireland, in the present very alarming situation of that kingdom; it was his intention therefore, before he sat down, to make a motion on that subject; but first he thought it would be proper to give a short sketch of the history of Irish affairs for the last two years.

He said, that, when the Acts passed in England, for enlarging the trade of Ireland, and admitting that kingdom to an equal participation of trade with England, the people of the former, instead of being filled with gratitude for the blessing which had been just extended to them, began to be jealous, lest they should lose that blessing which they prized so much; and, seeing before them the bright prospect which a free trade opened to their view, their first sentiment was fear, that, at some future period, the same power which had conferred, might resume that grant: and some circumstances occurred, which tended greatly to increase the fears of the people on this head; for in the very next session of the English parliament, Ireland was mentioned in four different Acts; so that the Irish were thereby alarmed, lest the power which assumed a right to bind Ireland, even after a free trade had been granted to her, might, when the circumstances of affairs would warrant such a proceeding, resort back again to that commercial monopoly which had just been broken; and they then began to look into their own constitution. It was true, that those four Acts, in which Ireland was bound, were not of a nature to afford grounds for any such apprehension; for they related to very trifling matters, no ways injurious, one of which, on the contrary, was beneficial to Ireland; but still they created jealousies, and gave rise to many arguments in the Irish House of Commons, where Mr. Grattan had formally complained of them, as subversive of the constitutional independence, as it was called, of the parliament of Ireland. The volunteers all complained of them; and when he mentioned the volunteers, he might be said to mention the whole nation, which, as with one voice, maintained that no power on earth had a right to legislate for Ireland, but the King and parliament of Ireland. In speaking of the volunteers, he must take that opportunity to bear his public testimony to their steady

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loyalty, and attachment to Great Britain, and their constant declarations that the enemies of England should be the enemies of Ireland: but it was not by words only or professions, that they manifested their loyalty; they proved it by their deeds; and when the combined fleets threatened the country with an invasion, it was impossible to describe with what alacrity and spirit they made a tender of their services to the lord lieutenant; and this, too, without any previous communication among themselves, or concert whatsoever; for their noble and generous behaviour at that alarming moment, his excellency had thought it necessary to express his acknowledgments to them from the throne. Previous to that session, the volunteers, without marking any disposition to those measures which they had since adopted, were harmlessly amusing themselves with reviews, and military parade; and such an opposition was expected in parliament, as every free government would wish to see formed, as such a constitutional opposition must necessarily make ministers more watchful and attentive to their duty.

When the session was opened, various were the questions introduced into the House of Commons, which he had not been able to approve, and which appearing to a majority of the House, in the same light as they did to him, he had been able to postpone: one was for a declaration of the rights of Ireland; another respecting the Mutiny Bill; a third for a Bill to quiet the proprietors who held estates in Ireland, under British acts of parliament. All these measures had appeared to the majority of the House, as very inexpedient; but still he must observe, that even the majority which had supported him, were friends to the principle of every one of these questions; and therefore they were only postponed and got rid of by the previous question; but not rejected. At length, a gentleman of very great character and abilities (Mr. Yelverton) wishing to steer a middle course, to satisfy the demands of the volunteers respecting a declaration of rights, and at the same time to prevent the mischiefs, or at least the inconveniences which might flow from such a declaration, unqualified, and untempered, had brought in a Bill for enacting into laws in Ireland, several statutes, which had been made in England: in this Bill he himself had taken no active part; but he would say this much of it, that it had his most hearty concurrence. As this Bill would certainly obviate the principal inconveniences, that would otherwise result from a declaration of what the people of Ireland called their rights, and as he saw plainly that such a declaration could no longer be opposed with success, he would now give way to necessity; and no longer oppose himself to such a measure; for in the present state and disposition of Ireland, he would assure the House that they might as well strive to make the Thames flow up Highgate-hill, as to attempt to legislate for Ireland, which would no longer submit to any legislature but its own. What use the Irish would make of their legislative independence, he could not tell; but if he could bring himself to think that they would avail themselves of it in making any foreign connections, injurious to the trade or interest of this kingdom, he was free to say, that sooner than agree to such an independence, England ought to risk a good deal. But he believed a sensible judicious people, like the Irish, would always see that the interests of both kingdoms were so connected, that they could not be separated without the greatest loss to both; and therefore he trusted, that the Irish would never attempt to break the connection; he trusted also, that they would adopt, from time to time, such laws of this country, as it would be for the interest of both should be in force in both kingdoms; and as no Irish Bill could pass into law, without the previous consent of the King, in his council of England, so there was no danger that the independence of the legislature of Ireland could be made use of to make laws injurious to the sister kingdom, the English council being responsible for every advice they gave their sovereign.

Exclusive of the declaration of rights, the volunteers, or in another word, Ireland, had called for an Habeas Corpus Act, which as it was proper she should have, had not been opposed; and now it was part of the law of Ireland. They had called also for an Act to make judges independent of the crown, by making them hold their commissions *quamdiu se bene gesserint:* this was a reasonable demand; and had consequently been complied with; for a Bill was brought in to that effect; and it was now in its progress through parliament. An alteration of the Mutiny Bill was another thing which they looked for; he must needs say, he could not see the danger, which the enemies to what

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was called the perpetual clause in that Bill, apprehended from it; however, as he made no doubt but the people of Ireland would be ready to adopt such regulations as the parliament of England might, from time to time, make for the army, so he flattered himself that the ground of apprehension, lest the regulations in England and Ireland for the army should be different, would be removed, and he saw no reason, why the wishes of the latter should be any longer opposed on this head; nay, he thought they ought not to be opposed, since new jealousies had lately been excited on that subject by a transaction in England: it was understood in Ireland that the name of that kingdom should no longer be inserted in the English Mutiny Bill: and still, when that Bill was brought in, the word Ireland, as usual, stood part of it: it had, indeed, been since struck out, and the Bill passed without it; but the minds of the volunteers were not easy on the subject. A modification of Poyning's law was another object which the Irish had greatly at heart: on that he would not enlarge; but gentlemen would see that it should be granted; England had nothing to fear from the increased power of the Irish parliament, as the consent of the King would still be necessary to sanctify all their acts.

Having made these, and various other observations, he moved for leave to bring in a Bill to repeal so much of the Act of the 6th of George 1, as asserted a right in the king and parliament of Great Britain to make laws to bind the kingdom and people of Ireland. He did not wish to precipitate matters; but gentlemen must see the necessity of doing something speedily, and without the loss of a moment, to prevent those consequences which it was not for him so much as to think of: they all knew that the parliament of Ireland was to meet to-morrow se'nnight, and Mr. Grattan would on that day propose to the House of Commons, a vote for a declaration of rights. Would it not, therefore, be expedient to anticipate the wishes of Ireland on that head; and, to convince her of our sincere intention, give her every security in our power for the permanency of her constitution, and of that trade which she was so anxious to preserve? As for himself, he must set out on his return for Ireland, either that night or to-morrow morning, and he should be happy to have it in his power to carry over with him the agreeable tidings that the parliament of England was ready to give the Irish every satisfaction they could reasonably require. He did not desire that the Bill which he moved for should be immediately passed; all he looked for was a kind of pledge from that House to carry over with him to Ireland, that the English parliament would not oppose the favourite wish and determined resolution of the Irish: the Bill might lie over, until it should be known whether it would satisfy the Irish parliament or not: if it should, then it might be passed into a law; if the partial repeal he proposed should not please the Irish, then he would advise the total repeal of the 6th of George 1. But if neither partial nor total repeal would satisfy them, then he certainly should leave the law, as it now stood, without any alteration whatever.

Mr. Courtenay rose, and said he would second the motion; lord Newhaven rose to do the same thing, and col. Luttrell was not willing to give up the point to either of them. After some dispute for the priority in speaking, the chair decided in favour of lord Newhaven, who said, that no man was less connected with the present administration than he was; and yet he thought it would have been proper to have given the new administration a little more time to turn their thoughts to the affairs of Ireland: however, as the motion had been made, he rose to give it his most hearty support; because he was perfectly satisfied that the measure was now become absolutely necessary.

Colonel *Luttrell* said, that when he rose to second the motion, it was under the idea, that such a measure as was then proposed, would give general satisfaction to Ireland; if he thought it would not, he certainly would not second such a motion; because he would not consent to the repeal of the 6th of George 1, unless in a case of such emergency as the present, when he thought by such a repeal, he might quiet the minds and conciliate the affections of the people of Ireland; and therefore he called upon the right hon. gentleman, who had made the motion, to tell the House, whether he thought such a measure as he had just proposed, would produce the salutary effect that was expected from it?

Mr. *Eden* could not undertake to say, that the measure proposed would give complete satisfaction to Ireland; and therefore would not pledge himself that it

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would; but he knew that so critical was the situation of that country at present, that if the motion then before the House should be rejected, he would not answer for the consequences.

The Speaker read the motion from the chair.

Mr. Secretary *Fox* then rose. He declared he felt it necessary to say something, though he would not make all the observations on what had fallen from the right hon. gentleman on the floor (Mr. Eden) which had suggested themselves to his mind, because he must in that case greatly fatigue the House, and because he was persuaded every gentleman present felt as he did, on the very extraordinary proceedings of the day. The House would recollect, that an hon. gentleman behind him, had given rise to the debate, by getting up to remind them of what he had said relative to Ireland previous to the recess, and that the same hon. gentleman had called on the right hon. member on the floor to give the House some information respecting the state of affairs in Ireland. Upon which the right hon. gentleman, without any previous consultation with his Majesty's ministers, without saying a syllable to any one member of administration upon the subject, had thought proper to move for the repeal of the 6th of George 1, thereby abandoning at once the supremacy of this country over Ireland, and disuniting that kingdom from this at a single stroke. The right hon. gentleman's motion was in substance and effect nothing less than a declaration of unconditional submission on the part of Great Britain, and a direct relinquishment of her dearest and most valuable rights.

For himself, Mr. Fox said, he was so new in office, he had no right to claim any respect whatever; but for those of his Majesty's ministers, with whom he was joined, he was warranted to say, it would have been decent, it would have been respectful to have consulted them previous to the taking any step in parliament, on a topic of so much importance. Had the right hon. gentleman done so, he would have learnt, that short as the time was, that his Majesty's present ministers had been in their situations, they had turned their most serious attention to the alarming state of Ireland, and that it was not from any indisposition to do Ireland justice, that they had not on that first day of their setting their feet in that House as ministers, proposed some measures, which should in their consideration be wise and expedient, and likely to conciliate the affections of the people of Ireland, and put an end to the uneasinesses, jealousies and tumults that it was well known had subsisted, and continued to subsist in that much-injured country. It was not from any want of inclination to do Ireland right, that they had not yet taken such a step, but merely from a disdain to follow the example of the worst sort of conduct of their predecessors in office, who were always catching at expedients of the moment, and were rather willing to patch up a present difficulty, at any rate, than to meet it fairly, to fathom its depth, and to consider what was likely to be a solid and permanent means of remedying a real evil, and preventing its arising in future. It was with a view to settle the constitution of the two countries in such a manner as should be perfectly satisfactory to England and Ireland, and should promise to give a lasting harmony to both, that his Majesty's ministers paused upon the subject; not from any indisposition towards Ireland, not from any idea that her claims were either unjust or unreasonable, not from the most distant intention of letting them remain unsatisfied. Had the right hon. gentleman thought proper to consult his Majesty's ministers upon the subject, he would have learnt, that the matter had been, and was under their consideration, and that not many days, or rather not many hours, would have been suffered to pass, before some proposition would have been offered to that House in order to conciliate the affections of the Irish, of whose loyalty and of whose admiration and regard for this country, there could be no doubt.

One thing, however, he had learnt from the very extraordinary speech of the right hon. gentleman, and that was the motive of this post-haste journey to England. It was now evident, that the right hon. gentleman had come over so suddenly for the sole purpose of surrendering the supremacy of this country over Ireland. New as the doctrine of disuniting was in the mouths of the late ministers and their friends, and ill-advised as it might be in the present instance, he wished they had adopted it earlier, and that the unity of the British empire had not been so obstinately insisted on. Had the opportunity that offered for gratifying the reasonable requests of Ireland some years ago been

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seized, had her petitions been complied with when she came to the bar of the House submissive and obedient, standing, as all who ask a favour do usually stand, on the justice of their claim, rather than on their power, this country would have acted a wise part, and might have graciously granted those boons which had since been, as it were, torn from her in a manner exceedingly disgraceful to Great Britain. But in perfect consistency to the custom of the late ministry, (by whom every thing that was asked, however reasonable, however right, was contemptuously denied as long as they dared venture to deny, and then when the moment of danger arrived, though what was barely moderate was refused before, more than was compatible with the honour of the country, was shamefully and meanly given up) the right hon. gentleman, who, during his ministry in Ireland, had uniformly opposed all the claims made by different gentlemen on different grounds, and as far as he had considered them, on good grounds in the Irish parliament, was the first to post over to England, and propose a measure of the most alarming extent that could possibly be conceived.

While he said this, he begged not to be understood as giving any opinion whether the measure was, or was not, a proper one in itself. He was passing no opinion upon it whatever: he was merely describing the very extraordinary manner in which it was brought forward, and the nature of it. For his part, he was most fully persuaded, that Ireland had a just right to expect ample redress from this country for the oppressive treatment she had long groaned under: and he would answer for the rest of his Majesty's ministers, that they were of the same opinion; but they must be strange counsellors of the crown, who would venture to advise his Majesty of a sudden to come into so extensive a proposition as that then before the House. The subject was nice, and it required the deepest consideration. He was not ripe to pronounce upon the motion, but he was far from saying that something like it might not be proper; all he wished was, not to be urged to pass a hasty judgment on so important a business.

The right hon. gentleman had talked of his administration having been a fortunate one; it appeared to him to be the oddest result of a fortunate administration that could be conceived, for the minister of Ireland to feel himself bound to post over to England, to propose such a motion as that under discussion. God defend him from the good fortune of producing such a consequence by his administration! But that was not the only surprising, the only paradoxical part of the right hon. gentleman's speech; he had talked of the volunteers of Ireland in a way equally unaccountable. He had said, they took up arms in the summer of 1780 for their amusement,—oh most wonderful amusement, most strange turn of diversion! It was to that amusement and to that diversion, that the right hon. gentleman was impelled to post over to England, in order to make his motion. It was to the power of the volunteers of Ireland, and not to the justice of their claims, that the right hon. gentleman now felt it necessary to propose a matter directly contrary to the whole system of his conduct during his administration. The right hon. gentleman had said, there was no other opposition to his administration, but such as every government must wish for, and such as just served to keep them awake. Did the House know what the sort of opposition really was, and of whom it was constituted? Had the House heard the names of lord Charlemont, of Mr. Yelverton, of Mr. Grattan, of Mr. Burgh, of Mr. Flood, and of many others, which he would not then mention? Names of the greatest, the ablest, and the honestest men in Ireland! The Lord defend him from such opposers! The Lord keep him from having his measures objected to by persons of such wisdom, such ability, and such weight!

The whole of the right hon. gentleman's conduct, as the minister of Ireland, was as extraordinary as his speech that day. He had been sent over here for the express purpose of bringing the earl of Carlisle's resignation, and of giving his Majesty's ministers a full, fair, and candid information of the state of facts in Ireland; and how had the right hon. gentleman complied with his instructions? He had come to town, and finding the ministry changed, had sent a letter to a noble lord, a colleague of his, declaring that he would give them no information whatever respecting Ireland, and menacing them with a threat that he would, as that day, come down to the House, and speak upon the subject of Ireland. He owned for his part, that he had no great dread of that menace, though he was at a loss to guess what the right hon. gentleman meant to say. The candour of the House was what

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he had so often experienced, that he was not much terrified at the right hon. gentleman's threat. The House now knew what its nature was, and he was perfectly at their disposal.

With regard to the alarming state of Ireland, he did not at all doubt but it was pretty correctly described by the right hon. gentleman, but then it ought to be remembered to what it was ascribable. He declared he felt it right to take that opportunity of saying, that though he thought but very indifferently of the state of the country a fortnight ago, his opinion then was nothing compared to his knowledge upon the same subject at that moment. His suspicions of the negligence and scandalous mismanagements of his Majesty's late ministers were now matured into ripe judgments, and he was sorry to have found that things were infinitely worse than he had imagined them to be, and that bad as they had been described, the description given to that House by himself and others from time to time, fell infinitely short of the real situation of affairs—which situation was in his mind so clearly ascribable to the neglects of the late ministers, that he should not think the present administration acted fairly and honestly by that House and the people, if they did not institute inquiries, and such inquiries as should give the country a correct state of the condition in which public matters stood.

With regard to the present motion, he trusted that he should not be misrepresented in consequence of what he had said upon it, and held out to Ireland as a person indisposed to grant her relief, or unwilling to admit the truth and justness of her claims. On the contrary, he thought Ireland had strong grounds of complaint, and that her claims ought to be complied with as far as they possibly could. He repeated it therefore, that he and the rest of his Majesty's ministers were most cordially and sincerely inclined to do Ireland ample justice, and that it had been one of the first objects of their consideration upon coming into office. That in a few hours some propositions would be offered to the House with respect to Ireland, and that he did not object to the present motion from any conviction that it was an improper one, but merely because he was not quite ripe to say, that it was the best motion that could be brought forward on the subject. He should therefore not meet it with a negative, but with a previous question, or he believed, it would be a more regular mode of getting rid of it for the present, by moving the order of the day upon it. He wished for this, to give time to the King's servants to determine with precision on the plan to be offered to both countries; and he had the utmost reason to hope and believe, that the matter would be finally settled without any of those consequences which the conduct of the right hon. gentleman in this business had been calculated to produce. He wished, he confessed, that the right hon. gentleman would withdraw his motion, as the best means; and by which an hon. friend of his, Mr. Crewe, would be able to move for leave to bring in a Bill, which he had introduced some years ago, for disqualifying Excise and Custom-house officers from voting at elections. This was a part of the plan which had been formed when they were out of office, for reforming the constitution of parliament, and which they seriously meant to undertake now with the same zeal and attention as before. Not a day would be lost until the task of reducing the improper influence of the crown, and settling the representation of the people upon more equal grounds, was fulfilled. The right hon. gentleman had said, that his opposition to the various motions that had been made in the Irish House of Commons had been supported by great majorities. He said, that he wished these majorities had been less. It was the greatness of these majorities, and the manner in which they were constituted, that had given offence and jealousy to the people of Ireland. They, no doubt, desired to see a free representation, declaring honestly their voice in the senate. To correct the abuses in influence and representation, would be the steady endeavours of his Majesty's ministers. He concluded with moving for the order of the day; this he would not have done upon any other account than that the motion was of such a sort, and came at such a time; but he hoped that the right hon. gentleman would yet withdraw it.

Mr. *Eden* rose to explain what he meant by saying the opposition to government in Ireland was such as no person need be fearful of; it was not to infer that they were men of no respect or talents, but that they were men of such moderation, that no fear was to be apprehended from them. With respect to the volunteers taking up arms as amusement, they certainly did so at first, and at the same time with a laud-

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able zeal to protect the country from the danger of an invasion, which was said to threaten it; but that amusement had grown into a formidable body of men, who seemed determined to have a total repeal of the declaratory law, without properly weighing whether it would not be in some measure detrimental to them. He mentioned again that he should leave England to-morrow; and was fearful, that if the motion was not carried into execution, notwithstanding what the right hon. gentleman had said of the intentions of government, it would be too late.

Lord *Mahon* said, he thought it extremely indecent for the right hon. gentleman, who spoke last, to bring in the motion, as he had refused giving his Majesty's ministers the information respecting Ireland that it was his duty to have done. His lordship read the preamble of the Act of the 6th George 1, which asserted, that the reason of its being made was the abuse of power committed by the House of Peers of Ireland. The declaration of the right hon. secretary had been such, he said, as ought to appear fully sufficient that it was their intention to take up the business with all possible dispatch.

Colonel *Luttrell* said, he hoped that he stood free from any censure in the business; that the sole reason of his calling on the right hon. gentleman was from a certainty, that, as he was just arrived from that kingdom, he could be able to give the House much information on the state of affairs; that he was himself at first inclined to second the motion, but as the right hon. secretary had so openly declared that councils had already been held, and that every consideration possible was meant to be given to the business, he thought it would be best for Mr. Eden on his return to Ireland, to state fairly, that the present ministry had fully declared their intentions of redressing the grievances complained of, and to desire they would postpone their decision for a short time until they saw what ministers did do on the subject.

Lord *Newhaven* said, he by no means would wish to embarrass government, that he believed the right hon. secretary was sincere in his declarations, yet he was fearful of an impression going over to Ireland, that we had rejected the offer of repealing the Act complained of in the motion.

General *Conway* owned himself surprised that any person, who was a servant of the public, should dare to withhold information from his Majesty's ministers, because they were not a set of men that were favourable to the wretched system that had occasioned the dispute of the present hour. Since the new ministers had come into place, no time had been lost in thinking of the most speedy and effectual means of quieting the troubles that unfortunately raged in Ireland; no less than three or four cabinet councils had been held solely on that business, and the newly appointed lord lieutenant would be empowered with such terms, as he trusted would establish a firm and happy union between the two countries, which were so inseparably connected together by every tie of interest. It was extremely indecent in the right hon. mover, to bring the matter on in the manner he had done, without ever hinting the least idea of his intention, or knowing whether ministers did not intend themselves to move something similar to it.

Mr. *Eden* said, he found it absolutely necessary to declare the whole of his transactions since he came to England. He arrived in town on Thursday last, he said, with a letter containing lord Carlisle's resignation, and was surprized to find that a new lord lieutenant had been appointed in his stead, two days previous to his arrival, by which it would possibly happen that the duke of Portland would be the messenger of his own appointment; that treatment he thought extremely indecent; it was not using lord Carlisle well, to recal him without any notice, or alledging any fault against him; making no more ceremony in the removal of him (although business of the kingdom might materially require his attendance) than they would in the removal of a Chancellor of the duchy of Lancaster, or any other sinecure place. He likewise found, on his arrival, that the lord lieutenancy of the East-Riding of Yorkshire was taken from his lordship; he looked on that as an additional insult offered to his lordship; and he had therefore determined to hold no conference with men who had treated the noble earl in such an unprecedented manner. He had offered to wait on any of the ministry that wished to see him, but he had undoubtedly declined giving his opinion on any point whatever.

Mr. Secretary *Fox* produced the letter sent by Mr. Eden to lord Shelburne, and said, though it was undoubtedly of a public nature, yet so unwilling was he to do any

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thing of an indelicate, or an unhandsome sort, that he would not read it to the House, unless the right hon. gentleman gave him his consent. Mr. Eden having said, he had no objection to the letter's being read, Mr. Fox read the letter,* and remarked upon it in the course of his recitation of the different passages, deducing an argument from the whole, that it amounted to an express declaration, that the sender of it, on account of the earl of Carlisle being removed suddenly from his lieutenancy of Yorkshire, and from his viceroyalty, would not communicate with his Majesty's ministers upon the subject of facts in Ireland, though the right hon. gentleman's instructions were to give ministers a fair and full account of affairs there. With regard to the recalling the earl of Carlisle, Mr. Fox said, it was very extraordinary for the right hon. gentleman to declare himself piqued because he supposed the earl of Carlisle treated unhandsomely in being recalled, although he had himself brought over the earl's resignation, and that couched in the most unconditional terms, without the least hint of a desire to continue in Ireland any longer. He protested, he had a great degree of personal regard for the earl of Carlisle. He knew him, and respected his abilities, and by no means meant him any personal disrespect or indignity. He reminded the right hon. gentleman of the harsh manner in which lord Carmarthen had been removed from his lieutenancy, and what he had, among others, said in parliament on that subject. In consistency to what he had then said, the noble lord was restored

* The following is a copy thereof:

"Downing-street, April 5, 1782.

"My Lord; Having re-considered the conferences with which your lordship yesterday indulged me, I think that I ought specifically to state my reasons for having often declined your intimations to me to enter into opinions and facts respecting the present circumstances of Ireland, and the measures best to be pursued there. When I arrived in London, I came prepared and disposed, and instructed to serve, most cordially, in the critical measure of closing the Lord Lieutenant's government, so as to place it with all practicable advantages in the hands of whatever person his Majesty's ministers might have destined to succeed to it.

"I pre-supposed, however, that either his excellency would be recalled very soon, but not without the attentions which are due to him, his station, and his services; or that his Majesty's ministers would assist and instruct him in first concluding the business of the session, and the various public measures and arrangements of some difficulty and consequence, which are immediately connected with it, and which cannot be completed in less than four or five months.

"Finding, however, to my extreme surprise, that the manner of giving the Lieutenancy of the East Riding to lord Carmarthen had been such as to amount to a marked and personal insult, when it is considered that the thing taken is merely honorary, and that the person from whom it is taken is an absent viceroy; and hearing also from your lordship, that the duke of Portland is not unlikely to be made the immediate and actual messenger of his own appointment, I from that moment declined any communication respecting facts and measures; because this line adopted towards the present Lord Lieutenant, must in my opinion be fatal to the ease of his successors for a long period of time, and ruinous to all good government, and the consequent peace of Ireland.

"Your lordship has informed me, that this is not meant as a personal exertion of power against lord Carlisle, but that his Majesty's ministers have adopted this mode of removing the Lord Lieutenant, as a wise measure of government. I differ so totally in my judgment, that it would be idle in me to trouble them further respecting Ireland.

"I shall, as the duty of my situation requires, wait on such of his Majesty's ministers as are disposed to see me, and with that respect which is due to them, shall submit what I have here stated.

"My next anxiety is to act as I believe lord Carlisle would wish me to act, for his honour and the public service, two objects which cannot at this moment be separated. I am ready this evening, or to-morrow morning, at any hour, to attend the commands of his Majesty's ministers, either separately or collectively. To morrow at two, I shall go into the country, to make a visit of personal respect and private friendship; and on Monday, in the House of Commons, I shall state, as fully as a weak voice will permit, what I conceive to be the present circumstances of Ireland: I shall do this without any mixture of complaint, and with the most anxious regard to facilitate any subsequent system for the public tranquillity; I shall only wish to let it be implied by the world, from Irish facts, in contradiction to English treatment, that the present Lord Lieutenant of Ireland (I borrow his own words from his last letter to your lordship) "has had the good fortune to conduct the business of Ireland, at a most critical period, without discredit to his Majesty's government, and with many increasing advantages to the interests of his kingdoms. I have the honour to be, &c. "WM. EDEN."

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to his lieutenancy. In regard to Ireland, the duke of Portland, who was going over there, would, he had no doubt, from his abilities and excellent character in private life, obtain the confidence of Ireland; and he thought that country, hearing of the change of ministers, would have confidence enough in his Majesty's new servants to believe them inclined to do Ireland every possible justice. Had his Majesty's present ministers ever been advocates for nominal dignity, had they held out principles of coercion, had they either in regard to America, or to any other part of what was formerly the British dominions, avowed principles that savoured of severity or despotism, he should not at all wonder at their intentions being doubted; but as, on the contrary, they had uniformly avowed and acted upon doctrines of a directly opposite tendency, he thought them entitled to some degree of credit and confidence, and the more especially as he had so repeatedly and so expressly reprobated that sort of government, which rested upon deceiving the people in any instance whatever. He held all attempts to deceive and delude a country to be not more base in themselves, than weak, absurd, and impolitic, and so far was he from thinking that Great Britain had a right to govern Ireland, if she did not chuse to be governed by us, that he maintained no country that ever had existed or did exist, had a right to hold the sovereignty of another, against the will and consent of that other.

Mr. *T. Pitt* could scarcely recover from his astonishment that any servant of the public should dare to refuse giving every information in his power, when called upon by his Majesty's ministers; nor was he able to express sufficiently his indignation at finding a member of that House introduce so slightly a motion of so much consequence, that upon it might depend the salvation of Great Britain and Ireland.

Mr. *Burke* adverted to the arduous situation of the new ministers, when so many objects presented themselves to their consideration. The motion before the House went, in some measure, to tear asunder the connection between England and Ireland; and yet the House was to be hurried into a decision in a moment upon a question of such magnitude: he would not give an opinion on the subject; he would not say whether the 6th of George 1, ought or ought not to be repealed; but he held that nothing could be more mad than to call upon parliament to proceed to such a measure in a moment, without giving time for any deliberation. He then mentioned the necessity of bringing in his own Bill as soon as possible, for regulating his Majesty's houshold.

General *Conway* once more called upon Mr. Eden to withdraw his motion; but not finding him willing to do it, he grew very warm, and said that for having introduced such a question, he ought to have a motion passed upon himself.—Here there was a great cry of hear! hear! move! move!

Mr. *Herbert* said, he left Ireland about a twelvemonth since; he was convinced the people of that country wanted nothing more than their rights; and as he was satisfied ministers were sincere in their declarations, he thought the motion quite unreasonable.

The *Secretary at War* (Mr. T. Townshend) begged the House would recollect, that in every business where Ireland was concerned, he had uniformly been an advocate for that country; and if the late wicked ministry had listened to the prayers of the different petitions from that kingdom, the present alarming crisis had never happened. He had as high an opinion of the honour of lord Carlisle as any man breathing, and stood up for his honour as much as his secretary had done: his abilities were such as required but little help; they would always shine forth and shew themselves. His lordship, he was confident, would not approve of the conduct of his secretary, in withholding his knowledge of the state of Ireland from the present ministry, on account of any little paltry personal grievance. His lordship, he was certain, did not resign on purpose to be pressed to stay; he was a nobleman that would despise such conduct, and would not suffer himself to be made the cat's paw of his secretary, or any other man breathing. The motion, so far from being meant as a conciliatory measure, was intended as a firebrand, to kindle and stir up the flame between the two countries, by first proposing a thing which it was impossible gentlemen could instantly decide on, and then threatening, that if it was not instantly complied with, he would acquaint the House of Commons of Ireland that it had been rejected. He advised the right hon. gentleman to withdraw his motion, and not trouble the House to divide.

Mr. *Baker* said, he wondered at the learned gentleman's declaration, that there

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was no difference between withdrawing a motion, or getting rid of it by the order of the day. That learned gentleman was capable of seeing and making proper distinctions if he chose it, he was therefore not a little surprised to hear him argue in so extraordinary a manner. He expressed his doubts whether Mr. Eden would make a fair representation of that day's debate in Ireland.

The *Speaker* called Mr. Baker to order, and said, no member could, consistently with the rules of the House, argue in that manner of another member's fairness.

Mr. *Baker* said he spoke of Mr. Eden as a minister, and not as a private man. In the latter capacity, from early habits of friendship and intimacy, he had a great esteem for him, but though he wished him personally no ill-will, he thought a motion of censure necessary, if the motion was not withdrawn.

Mr. *Courtenay* said, that no man listened with more pleasure than he did, to the just and liberal sentiments of the right hon. gentleman (Mr. Fox) as declaratory of the wise and generous system of policy meant to be pursued by the present administration, in respect to Ireland. Yet he was extremely concerned and surprised to hear him assert, that the present motion, if agreed to, would be equivalent to unconditional submission from his country, and a relinquishment of all her rights over Ireland. He said, he little expected such a construction from the right hon. gentleman. Unconditional submission was a term often and justly stigmatised by him in respect to America, and which he never expected to have heard in a debate, in relation to Ireland. No man in that House hated the term more than he did. The people of Ireland were too generous, too spirited, and felt too much for the honour of this country, to expect or demand such a humiliation from Great Britain. He declared, that from his present correspondence with gentlemen with whom he had the honour of serving, and who now served in the volunteer corps, and who would be found ready at every hazard, with temper, but with firmness, to maintain their just rights, he found the general opinion of the people to be, that nothing but a repeal of the exceptionable part of the 6th of George 1, which was stated with so much accuracy, and pressed with so friendly a zeal to Ireland, could ever allay the jealousies of that country, and totally efface all apprehensions at the overbearing authority of Great Britain. This was the well-weighed and settled opinion of men, to whose animated and generous exertion it was owing that Ireland was at this day a part of the British empire; nothing was so dangerous as provoking men, who by their uniform and loyal conduct for a series of years, had shewn themselves slow to anger, and who had connected a due execution of the laws, and a maintenance of the internal civil police of the country, with those constitutional principles of liberty, which they were determined to support. If it was not presumption to suppose that the opinion of an individual could add weight to that of a whole nation, he should not scruple to assert, that what the right hon. gentleman had declared to be the claims of Ireland were perfectly reasonable and well-founded; and as an evidence that these were his real sentiments, he pledged himself on all occasions, to second the same, or even a more comprehensive motion, to ascertain and establish clearly, beyond all possibility of doubt, the just and constitutional rights of Ireland.—He said, he would not enter into a formal discussion of the right of judicature in the House of Lords of England, that not being the direct object of the motion, farther than to observe, that the assumed jurisdiction of the English House of Lords over the courts of law in Ireland, was not in practice till long after the Restoration, and then arose from necessity; for there was no parliament convened for many years, and consequently no House of Lords sitting; in order, therefore, that the subject might not be deprived of the right of appealing, it occasioned the necessity of allowing appeals to the House of Lords in England. So much he had remarked, in respect to that part of the 6th of George 1, which related to judicature; with regard to that part of it, which asserted the supremacy of the English over the Irish legislature, he should only observe, that clause was introduced unnecessarily, and was not called for by the preamble, the professed object of which was only to maintain that superintendant judicature of the House of Lords over the courts of justice in Ireland: but the Act went much beyond that point, when it maintained the supremacy of the legislature of this country over Ireland. In short, what the Act professed to do was limited to the judicature, and what it enacted was insidiously extended to the supremacy of one legislature over the other. Besides, he was surprised, that gentlemen

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seemed to consider their claim of exemption from the assumed controul of the country, as a novelty, when in fact, the Irish, whenever constitutional points were discussed, maintained their exemption from the British legislature as their undoubted right; but having at that time only reason on their side, they submitted through necessity; at this auspicious period, however, when they not only had reason to support their claims, but volunteers to enforce them, they trusted that by the united assistance of both, their loyal requisitions would be attended to, and their just rights established.—He declared he could not conclude without saying a word on the reprehension which had been given to the hon. gentleman who made the motion, as if it had arisen from personal pique and disappointment. He said, he was persuaded, the hon. gentleman had acted in England that day as he had acted in Ireland during the whole course of his administration, from a sincere anxiety to promote the happiness and welfare of both countries; and that it was from that conviction, and not from any concert or previous information he had taken the liberty of seconding the motion, of returning the hon. gentleman thanks for it, and of declaring, that whenever that motion should again be made, he would do himself the honour to second it.—He added, that so little was he acquainted with the intention of the hon. gentleman to move the present question, that he even apprehended he had acted by the approbation, and in concert with the present administration. He was induced to believe this, by what the hon. gentleman had mentioned of the precipitate recall of lord Carlisle, as he conceived, that in order to give the noble lord credit and popularity on his recall, his secretary had been permitted to move for the repeal of Acts, which would come as a general obliging condescension from this country, instead of superinducing a necessity in the Irish House of Commons to come to an explicit and strong resolution of what they and their constituents conceived to be their just, invariable, and constitutional rights.

Mr. Alderman *Townsend* spoke with indignation of the conduct of the hon. mover; he withheld all information from government; forgot, or neglected his duty as a servant of the public; and just because he chose to fancy that the earl of Carlisle had a feather plucked from his cap, he refused to serve his country in one of the most critical moments that we ever saw. He thought this conduct was so truly improper and dangerous, that parliament could not, with any regard to its own dignity, overlook so flagrant a neglect of duty in one of the public servants. Was the right hon. gentleman to conceive that he was the servant of the lord lieutenant of Ireland, and not the servant of the public, or that he could thus mix personal considerations with official duty? It was certainly fit and candid that his Majesty's ministers should be allowed the necessary time to frame and bring forward their measures, and not, on the first day of their appearance in that House, be treated as they had been by the hon. gentleman. The obligation which that gentleman was under, as one of the ministers of Ireland, to give every aid and assistance to government which he could do, and by which the interests of his country might be promoted, was of so serious a nature, that it ought not to be sported with; and he should not be surprized, if when he went back to the country of which he was the minister, the House of Commons should impeach him for his neglect of duty. The hon. gentleman had declared, that he believed, if the order of the day, or the previous question, should be put upon his motion, it would produce the most alarming consequences. If this, then, was his opinion, why did he force the House to this dangerous measure by persisting in his motion? He would and he ought to be responsible for all the consequences of his conduct.

Mr. *Mansfield* defended Mr. Eden's conduct, but declared it appeared to him to be a matter perfectly indifferent whether his hon. friend withdrew his motion, or whether it was got rid of. He was somewhat amazed to hear his hon. friend treated with so much harshness, and his motion talked of as if it was taking the House by surprize. There was not a gentleman present, who must not be well aware that Ireland was in a most critical state. The journals of the Irish parliament, and all our own newspapers plainly evinced the fact. It therefore struck him as an idea perfectly absurd to call his hon. friend's motion precipitate. It was in his mind highly necessary.

Lord *Newhaven* hoped, that it was perfectly understood that ministers did not reject this motion from any dislike to the business; but that they would, with all possible speed, give every attention in their power to so important an object.

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Mr. *Eden* wished to know, if he gave up his motion, whether the right hon. secretary would pledge himself that a repeal of the 6th of George 1 should take place.

Mr. *Sheridan* said, he could not sit still and see a question of this importance, which was then just going to be put from the chair, rejected or evaded in the manner which it was likely to be. He could not dismiss his hopes that the hon. gentleman who had moved it, might yet be induced to withdraw it; as he was convinced the greatest mischiefs would follow from its being otherwise disposed of. The learned gentleman, who was the only person who had attempted to defend the extraordinary conduct of the secretary for Ireland, had taken great pains to prove, that it made no difference in what manner the motion was got rid of. He differed entirely from him on that head; and he had the authority of the hon. mover on his side, for he had expressly declared, that if the motion was evaded by the previous question, or by moving the order of the day, he apprehended the most serious mischiefs to Ireland would follow. He called, therefore, upon him, if he had any real feeling for the interest and peace of either country, not to persevere in bringing on the mischiefs which he acknowledged he foresaw. Mr. Sheridan then proceeded to state the whole of Mr. Eden's conduct in this business, which he attacked, as scandalously unfair to the new ministers, who he was convinced had the fairest intentions towards Ireland; yet he declared himself so decided an enemy to the principle of the declaratory law in question, which he had always regarded as a tyrannous usurpation in this country, that though he could not but reprobate the motives which influenced the present mover for its repeal, yet if the House divided on it, he should vote with him. With regard to the fair representation of the intentions of the new ministers, which the right hon. gentleman had been called to give to the Irish on his return, he could give but little credit to his intentions on that head; it was his business, and his direct and explicit duty, to have given a fair representation, and full information of the state of Ireland to his Majesty's present ministers here, for which purpose he had been sent to London. He had deserted that duty, and, from motives of private pique and resentment, had withheld all information from them on the subject. It was but reasonable, therefore, to suppose that the same principles would direct his conduct on his return to Ireland; and the same little motives of resentment would lead him to withhold from the parliament of that country the satisfactory information of the intentions of the new ministers, though it was equally his duty to report it.—He then animadverted on the assertion of Mr. Mansfield, that every attention had been given by the late ministers to prevent these jealousies in Ireland; which he said was so far from being the case, that the whole of the present commotions there were chargeable to their scandalous neglect, in having suffered the name of Ireland to be inserted in no less than five British acts of parliament; one of which had been published by the secretary himself in the Dublin Gazette, after they had given the Irish the most solemn assurances that this claim should never be attempted to be exercised in a single instance. Mr. Grattan had produced these acts in the Irish House of Commons, and this apparent violation of faith with them it was, which had roused the present spirit of jealousy and resentment in their parliament, as well as among the volunteers. He concluded with repeating his call on Mr. Eden, to withdraw his motion, and not to mangle and disgrace a good and honourable cause, through the selfish motives of party pique, and private disappointment.

The Speaker was again proceeding to put the question, when Mr. Eden rose once more, and, after some hesitation and explanation, consented to withdraw his motion.

April 9. Mr. Secretary *Fox* presented the following Message from his Majesty:

"G. *R.*

"His Majesty being concerned to find that discontents and jealousies are prevailing among his loyal subjects in Ireland, upon matters of great weight and importance, earnestly recommends to this House, to take the same into their most serious consideration, in order to such a final adjustment as may give a mutual satisfaction to both kingdoms."

Mr. Secretary *Fox* rose and said, he hoped gentlemen would see, that as little time as possible had been lost by his Majesty's ministers, in paying a due attention to the affairs of Ireland, in order to quiet those discontents and jealousies that had prevailed there unfortunately for some

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time past, but of late to a very alarming degree; at the same time, he hoped, he might presume upon so much credit with the House, as to expect to be relied on, when he assured gentlemen, that the paper that had been then read, was not procured in consequence of what had passed in that House the preceding day. Why that message was not brought down yesterday was rather owing to accident than to any other cause; the discontents and jealousies that had subsisted in Ireland having been one of the first objects of attention to his Majesty's present servants. He added, that it was not his purpose to do more for the present, than to move, what undoubtedly it was the duty of the House to vote, namely, an Address to his Majesty, humbly thanking him for his most gracious Message, and assuring him, that the House would, at an early day, proceed to take such steps in the business, as should seem most likely to answer his Majesty's request effectually. Mr. Fox said, the reason why he meant to proceed no farther just at that moment, was, because it was the wish of his Majesty's servants not to follow the example of their predecessors in office, and by applying a temporary remedy to a temporary evil, just put off the inconvenience of the day, but they were resolved to take care to act in such a manner as should promise a permanent peace to both countries, and give a stability, as it were, to the restoration of harmony, good humour and friendship, between Great Britain and Ireland. The most likely means to quiet the discontents and jealousies that subsisted at present between the two countries, was to do it in such a manner as should settle the constitution of both, and draw the line between them clearly and cordially, in order to ascertain the nature of their connections in future. It was, he observed, impossible to do this with the little information then before the House upon the subject; it was first necessary for them to come at a precise knowledge of what were the wishes and what the expectations of Ireland, and as there were those going there whose duty it would be to investigate those wishes and expectations, and who would doubtless have none of those reasons for withholding the information they might acquire upon the subject, which some others had declared themselves to be actuated by; as soon as facts were in the possession of ministers, they would communicate them to that House, and both together might then go hand in hand and in certainty upon the business, and do it effectually and satisfactorily to both countries. As a new Lord Lieutenant was just setting off for Ireland, Mr. Fox declared, he thought it indispensibly necessary to take that step previous to his setting off, in order that on his arrival in Dublin, the people of Ireland might entertain no doubt of the sincerity of the intentions of the new ministers, nor of the inclination of the crown and the British parliament respecting them. Seeing that the intentions of that House were founded in reality and seriousness, he had no doubt but they would allow the delay, (not a long one certainly) that would necessarily be occasioned by the adjustment of a business, from which he flattered himself would result very beneficial consequences to the commerce and prosperity, the ease and the happiness of both countries. He then moved, "That an humble Address be presented to his Majesty, to return his Majesty the thanks of this House, for his most gracious Message; and to assure his Majesty, that this House, feeling with his Majesty the deepest concern that discontents and jealousies should have arisen among his Majesty's loyal subjects in Ireland, will, without delay, take the same into their most serious consideration, in order to such a final adjustment as may give mutual satisfaction to both kingdoms."

The motion was agreed to, *nem. con.*

Debate in the Lords on the Affairs of Ireland.] April 11. The Earl of Shelburne presented to the Lords the following Message from the King:

"GEORGE *R.*

"His Majesty being concerned to find that discontents and jealousies are prevailing among his loyal subjects in Ireland, upon matters of great weight and importance, earnestly recommends to this House, to take the same into their most serious consideration, in order to such a final adjustment as may give mutual satisfaction to both kingdoms."

The Message having been read,

The Earl of *Shelburne* observed, that it would be highly criminal in any minister not to take the very earliest opportunity to submit to their lordships' consideration, the very alarming state of the kingdom of Ireland; but that it would be still more

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criminal in him, who had so often accused the late administration of the most shameful neglect on that head. He thought it unnecessary to remind their lordships of the several motions that had been made in that House, in order to prevent affairs from coming to that crisis in Ireland, of which his Majesty's message conveyed an intimation; that crisis which he had foreseen, which he had so often foretold, and which he had so often attempted, but in vain, to prevent, was now arrived; the question therefore now was, how the discontents of Ireland might be removed? When that country called for a free trade, to which she certainly had a good right, England thought proper to make concessions, and great concessions they were; it might therefore have been expected that the late servants of the crown would have availed themselves of those concessions, so far as to stipulate for some system, which should in future secure the political connection of both countries; but that opportunity was lost, and that connection, which had lasted so long, to the mutual advantage of England and Ireland, was brought into very great danger. He said it would be unnecessary in him to lay before their lordships any documents relative to the present state of Ireland; it was a matter of such public notoriety, that he was sure every noble lord was already fully acquainted with it; but he held it to be necessary to assure their lordships, that nothing should be omitted on the part of those persons, who were now honoured with his Majesty's confidence, to bring the affairs of Ireland to a happy issue, to the mutual satisfaction of both countries. He would not, however, deceive their lordships; the task was delicate, if not difficult; for the negligence of their predecessors in office had raised up obstacles which a vigilant administration would have prevented. But after having given the disagreeable side of the picture, he thought it his duty to shew the other side, and to speak some comfort to them in the present very arduous state of affairs. From all he could learn from Ireland, he could assure their lordships, that there existed in that country a fund of loyalty and attachment to England, which no misfortune or calamity of the latter had been able to shake. He would assure them that Ireland had not the least disposition to look elsewhere for friendship and connections; the people of that country were at once the brethren and the children of England; it was to England alone that they looked up; nor did there exist among them an idea of separation; determined to stand or fall with her, they wished to have no friends but the friends of England; and to hold all those for enemies whom England should have to contend with: however they had claims upon this country which they did not appear likely to relinquish; they were steady to their purposes; but he was happy to inform their lordships that they blended moderation with their steadiness; they were no less temperate than steady. To keep them temperate should be the great object of his Majesty's ministers; he had always given it as his opinion, when in opposition to the late administration, that deference ought to be had to the voice of a people: this was a principle, from which no change of situation should ever make him depart: the voice of a people, however conveyed, ought to be attended to; nor should vain forms (vain, impolitic and frivolous indeed on such occasions) prevent a wise administration from listening to it. It was of the essence of liberty that citizens should freely discuss their rights; and he should ever prefer their language delivered with freedom, to those dark and secret councils, better calculated to deceive and mislead, than instruct and direct an administration: he should be happy at all times to hear the people of the three kingdoms speak out their sentiments; such sentiments delivered unbiassed and with freedom, should always be a law to him; it was upon the principle of acting up to the wishes and interest of the people at large, that he and his colleagues founded their hopes of being well supported in all their measures, because they flattered themselves, that their measures should never be other than the measures of the people: to the benign disposition of his Majesty, and the firm support of a people, whose interest should be the true rule of their conduct, he and his colleagues looked up; with these sentiments he flattered himself, he might venture to assure their lordships, that notwithstanding the disordered state of affairs, in which they found the empire, when his Majesty was graciously pleased to honour them with his confidence, they would be able to restore harmony, unanimity, and content, at home; and make our affairs abroad assume a better aspect.

His lordship moved an address of

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thanks to his Majesty; which was unanimously agreed to.

Debate in the Commons on the King's Message recommending an effectual Plan of Œconomy through all the Branches of the Public Expenditure.] April 15. Mr. Secretary Fox acquainted the House, that he had a Message from his Majesty, and he presented the same to the House. It was read by the Speaker, as follows:

"GEORGE *R.*

"His Majesty, taking into consideration the supplies which have been given with so much liberality, and supported with such uncommon firmness and fortitude by his people in the present extensive war, recommends to his faithful Commons the consideration of an effectual Plan of Œconomy through all the branches of the Public Expenditure; towards which important object his Majesty has taken into his actual consideration, a reform and regulation in his civil establishment, which he will shortly cause to be laid before this House, desiring their assistance towards carrying the same more fully into execution. His Majesty has no reserves with his people; on whose affections he rests with a sure reliance, as the best support of the true honour and dignity of his crown and government; and as they have hitherto been his best resource upon every emergency, so he regards them as the most solid and stable security for an honourable provision for his person and family."

Mr. *Burke* then rose, and in a short and elegant speech, congratulated the House and the kingdom on the happy æra when his Majesty, freed from that secret and injurious counsel which stood between him and his people, now spoke to them in the pure and rich benevolence of his own heart. The Message which they had just heard, was the genuine effusion of his Majesty's paternal care and tenderness for his subjects. It was what good subjects deserved from a good king, and every man would rejoice in and bless the day when his Majesty, restored to the dignified independence of his elevated situation, was able to speak to his people in the language of his own heart; to participate in their sufferings; to praise and reward them for their fortitude. It was the best of messages to the best of people from the best of kings. This was the true style in which a British king should speak to a British people; for by such language and conduct it was, that the blessings of union would be restored among us, and that foreign nations would admire and envy the constitution of a nation where the interests of the king and people were so happily interwoven; and where suffering, as well as enjoyment, was reciprocal. It was by this conduct that a British king would acquire more true splendour, and more substantial power, than by the preservation of places, which added to the dangerous influence, but not to the solid strength of the government. Those establishments and places to which his Majesty evidently pointed in his most royal message, were subversive of his true power; for, by the maintenance of these, the service, which was ultimately to support or aggrandize his state, was impoverished. By the taking from the inconvenient and useless offices, they would be able to add to the advantageous and serviceable; and indeed this was the best method of ascertaining and securing an establishment more honourable, and also more firm than any other; for when all other resources have failed, what must be his Majesty's best and last resource, but in the love, reverence, and support of his people? It was the foundation on which all solid dignity could be built; and it must endear and bind the hearts of the British people to his Majesty, to see him thus, with condescending benevolence, and with gracious feeling, giving them all, and more than they would ask. He could not avoid giving joy to his country on the happy æra which seemed now to be rising, when power was to be established on the basis of œconomy, and when his Majesty wished, chose, and desired to depend upon an independent Commons' House of Parliament, for the support of his person and family. Thus it was to give free exercise to the feelings of the royal breast. Thus it was to open the passage between the bounty of the sovereign and the necessities of the people. He could not help taking to himself some compliment upon this occasion; and rejoicing that he should have been fortunate enough to recommend the very mode of national relief which his Majesty now graciously proposed. He had the sincere confidence that now, when the King so generously came forward, and made the proposal to parliament to establish a system of public œconomy, the House would unanimously agree with him in an address of thanks, and in their assurances that they would co-operate with his Majesty in the

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gracious intention of reducing places that were extravagant and useless. He therefore would move the House,

"That an humble Address be presented to his Majesty, to express to his Majesty, that his truly paternal regard for the welfare of his people meets a just return in the gratitude produced in the breasts of his faithful Commons, by his Majesty's most gracious Message to this House.

"To assure his Majesty, that his favourable acceptance of the zeal and fidelity of his subjects, manifested through the whole course of this arduous war, will animate them to the utmost exertions for the glory and happiness of a prince who sets a just value on the services, and is touched with an affectionate sympathy in the sufferings of his people.

"That his faithful Commons, deeply affected with his Majesty's noble and generous procedure, and encouraged by a recommendation at once glorious to his Majesty, and perfectly consonant to our desires and duties, will, as soon as his Majesty shall be pleased to communicate more particularly the reformations and regulations he is pleased to adopt, apply ourselves with all speed and diligence, to give a full effect to his Majesty's most gracious intentions.

"That his faithful Commons consider the unreserved confidence which his Majesty reposes in this House, as a full compensation for their earnest and dutiful endeavours to deserve that invaluable testimony of his royal favour, a confidence by which his Majesty will reign in the hearts of his people, and in which he never can be deceived with regard to his crown, his person, and his family: a king of Great Britain cannot have so perfect or so honourable a security for every thing which can make a king truly great and truly happy, as in the genuine and natural support of an uninfluenced and independent House of Commons."

Mr. *Powys* seconded the motion; and declared that he never was so sincerely pleased, nor so truly grateful for any favour, as for the present; for it was the noblest and most gracious instance of royal benevolence that he ever saw. It would do more to reconcile the people to their burthens than all the other measures that could be adopted. The message pointed out the sovereign to his people in a light the most amiable, as delivered from that baneful and secret adviser which lurked unseen, and intercepted his gracious intentions towards his people. The mist was happily dispelled, and the people had now the bright prospect of the rays of royal bounty beaming upon them in the most mild condescensions. He considered his Majesty now as speaking the noble language of his own heart, and carrying into execution the richest sentiments of kindness and compassion for his subjects. From this message he deduced the favourable conviction, that we had now an administration, and his Majesty had confidential advisers, who did not mean to stop the tide of royal feelings, to interrupt its course, or to divide the interests of the king and people. He was convinced that his Majesty's present counsellors were united in their desires of relieving the distresses of the people, of establishing a system of public œconomy, of reducing the influence of corruption, and restoring the independence of the Commons' House of Parliament. These were objects to which he knew every virtuous member of that House would give his sincere concurrence, and he hoped they would be accomplished by the general consent.

Mr. Secretary *Fox* begged leave just to observe, that now, when his Majesty had been graciously pleased to express his earnest desire of establishing a system of œconomy, by the reduction of useless offices, he hoped gentlemen would be unanimous in their resolution to fulfil the generous intentions of his Majesty in this respect. When the Bill for public reform was introduced some time ago by his hon. friend, an argument was advanced for opposing it, on account of its interfering with his Majesty's civil list; which some gentlemen considered as improper to be done by that House. This was an objection to which he owned he had never been able to give his consent; but undoubtedly it was maintained by several worthy gentlemen, for whose opinion he had great respect. But now this objection was removed. His Majesty came with almost unparalleled grace to his parliament, and desired to participate in the exertions and the sufferings of his people, by the reduction of his own peculiar establishments, choosing and wishing to have his support in the hearts of his subjects. He begged that the hon. gentleman who spoke last, and gentlemen of the same description, would attend the progress of the measures necessary to the accomplishment of this desirable end; that ministers might have the support of the independence of the

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House, in case any opposition might be offered to a plan so wise, so generous, and so necessary in our present circumstances. Gentlemen would see, that it was not possible that the session could be immediately at an end; and his Majesty's present ministers most anxiously wished for the countenance and support of country gentlemen; but they desired it no longer than while they acted in strict conformity to the principles which they had maintained when out of place. He said that he could not speak to a day, but he had reason to believe that the plan for the reform proposed by the crown, and mentioned in the message, would be prepared and laid before the House at an early day in the next week; and gentlemen might be assured, that there should be no delay, on the part of the servants of the crown, in bringing it forward to the consideration of parliament.

The Address was then agreed to *nem. con.*

A similar Message was sent also to the House of Lords. As soon as it was read,

The Earl of *Shelburne* said, that messages from the King were usually looked upon as fabricated by the minister; but he could undertake to pledge himself to their lordships, that the present Message was a departure from the general rule; it was the voluntary language of the sovereign himself, proceeding from the heart, and should, as he made no doubt it would, call forth from their lordships the warmest zeal, and the most unfeigned gratitude. It was a plan becoming the dignity, wisdom, and feelings of a great and good prince; was already earnestly sought for by the public; and on those two very strong and relative grounds, he was satisfied it would meet with the united concurrence of every description of men, within or without that House. Parliament, he made no doubt, would instantly patronize it; the people would rejoice at such a plan of œconomy, and the general joy diffused through the nation would be heightened, when his subjects were informed, that its completion would add to the happiness of the best of sovereigns. The plan, it might be said, was very comprehensive indeed, and embraced a great variety of objects. Nay, it might be said, upon a transient view, that it was in some measure complicated. Upon a nearer approach, he trusted, those objections would instantly vanish, particularly when it was maturely considered, and fully digested. Whatever the particular distinct parts might be, the great object would be kept steadily in view, an œconomical reform, the saving to be faithfully applied to the uses of the state; and the cutting off those sources of influence which were so derogatory to the spirit of the constitution, and had proved so fatal to this country.—His lordship took an opportunity here of paying several handsome compliments to the abilities and conduct of the commissioners of accounts, whom he represented as indefatigable, impartial, well informed, and faithful to the important trust committed to their care. The reports of those gentlemen were now on the table, and from the very extensive and various objects they took in, would, in his apprehension, demand much consideration. He hoped that nothing would prevent a very full and numerous attendance of their lordships, when those voluminous papers came to be considered; and he farther hoped, that no narrow idea would go forth, that it was a plan proposed by the present ministry, and recommended by them to their sovereign. All the abilities of that House would be wanted, and therefore he trusted the business would be taken up on public ground, and that the whole would be determined exclusively on its own merits, independent of every other consideration whatever. He should with cheerfulness and candour, as it was his duty and inclination, attend to every proposition which might be suggested by noble lords, to render it more perfect; and if he should not approve of the amendment proposed, he would fairly and openly assign his reasons, though he must confess, he should be much more happy to have an opportunity of adopting than rejecting. He by no means said, that he intended to frame his Bill on the model of that which had, about two years since, been so long agitated, and repeatedly debated, in another House. He was at present, in that respect, a free man, and was resolved to continue so. He might or might not differ from the opinions so warmly urged in the other House. So much, however, he would pledge himself for, that he would be ready to profit by the advice, assistance, and abilities of every noble lord. The Message was couched in terms which must prove grateful to every man who esteemed the prince, and regarded his country: it expressed a most generous

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and amiable confidence in the sovereign, that his people would ever support the dignity of the crown. His Majesty's reliance was well founded, for he was convinced there was not a noble lord present, who would not be more solicitous to make the crown the most ample allowance, than in advancing his own views and interests. His lordship spoke besides on other topics, in explanation of his general sentiments. He particularly dwelt on the political and domestic virtues of the sovereign. He assured their lordships, that no parent could have more sincerely at heart the ease, happiness, and benefit of his own children, than his Majesty entertained for his people. He fondly and tenderly loved them. His lordship moved the Address of Thanks, which was agreed to unanimously.

East India Affairs.] The *Lord Advocate* of Scotland (Mr. Dundas) rose, and called the attention of the House to the long meditated and important consideration of the East-India affairs. The learned lord, in a speech of nearly three hours, entered into a detail of the causes, progress, and present state of our calamities in the East, and this he did in a clear and masterly style. It was a subject, he said, to which the House must bring themselves to attend very closely and earnestly, if they had any regard for the preservation of our most valuable possessions in the East. He now came forward, in consequence of his having been the chairman of the Secret Committee appointed to enquire into the causes of the disasters in the Carnatic. He begged leave to say, that, until that moment, there were few men who knew less of India affairs than himself. Unless that knowledge, which every member of parliament ought to make it his study to possess, of so important a part of the British dominions, he knew nothing of the affairs in that quarter of the world. He was therefore perfectly free from the prejudices and partialities which were but too common in regard to the affairs of India, and which were calculated to stop the administration of justice, and to prevent such men from acting honestly and candidly for the good of the service, and the punishment or prevention of those disorders, which had fatally subsisted in our territories for years past. The learned lord prefaced his historical narrative of the proceedings in India with many observations on the urgent necessity there was for coming to this business with honest and determined minds. He paid several compliments to the committee, and particularly to Mr. Orde, for the skill, assiduity, and perseverance with which he and they had employed themselves in acquiring a competent knowledge of our situation in India; and such, he said, were the talents of Mr. Orde in this business of investigation, that no minister who meant to act honestly, could possibly overlook him, or neglect to employ his great abilities in the service of his country.

He said, that in order to keep his mind as free from prejudice as it had been in the outset, he had resisted all the applications that had been made to him, with offers of pointing out particular extrajudicial information, which might, or which might not, have been authentic and valuable. All such offers, he thought, he could not accept of, without departing from that rule which it was his duty to follow, in the situation in which he stood, and by which only he could keep his mind free and pure. Having gone through these preliminary observations, the learned lord came to state the cause and progress of our calamities. In order the better to make the House masters of the real state of our affairs in the East-Indies, he said, he must take their attention back to the year 1765, a period which was a remarkable epoch in the annals of our eastern politics, as it was the year when lord Clive went out a second time to India. His lordship declared he would not indulge himself in any panegyric on that great man, because he did not wish to be supposed a partizan, or an adherent to any of those descriptions of men, who had formerly ranked themselves into parties, maintaining different opinions and feeling different sentiments of the noble lord he had mentioned. Suffice it for him to say, that a very different policy then prevailed, with regard to our Indian possessions, to what had done of late years; whether that policy was wisely departed from or not he would in some degree illustrate, and enable the House to form a judgment upon. In 1765, on lord Clive's arrival in Bengal, he found us in possession in the north not only of the three provinces of Bengal, Bahar, and Orissa, but also of Sujah Dowlah, the nabob of Oude's province, which had been gained by conquest. So far, however, was lord Clive from thinking that it was good policy to keep too extensive a territory, and aim still farther

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to increase it by military exploits and exertions, that he put Sujah Dowlah again in possession of his province, considering our remaining possessions in Indostan, with those on the coast of Coromandel, Bombay, &c. (an extent of territory nearly equal to the largest kingdom in Europe) as amply sufficient. Happy had it been for this country, if that policy had been adhered to, and if we had continued to act defensively only, and to have kept up a good neighbourhood with the princes of the country, instead of carrying on offensive military operations, with a view to conquest! There were four principal conterminous powers in India, the Mahratta states, the dominions of Hyder Ally, the dominions of the nizam of the Decan, and the dominions of the rajah of Berar. Besides these, there were several inferior powers, such as the nabob of Arcot, the rajah of Tanjore, &c. But the four principal powers had been all inflamed against us; with two of them we were at open war, and the other two were greatly enraged against us. The learned lord related, with great precision, the cause that had given rise to their several enmities. The presidency of Bombay entered into a negotiation with Ragoba, a person who had pretensions to be a ruler of the Mahratta states, promising to seat him in the government, if he would give up, when so seated, certain territories to the Company. With this treaty they entered upon the war; and, soon after, the presidency of Bengal formed a treaty of exactly the same kind with Moodagee Boosla, the rajah of Berar, offering to seat him in the government of the Mahrattas, if he would cede certain districts. This double dealing was discovered, and Moodagee Boosla resented it as insidious and unfaithful. The nizam of the Decan's dominions lay to the north of our possessions, and they were so obnoxious to them, that we ought to be very careful of our treatment of him. He ceded to the Company certain districts, which were to be paid for by an annual tribute. That tribute we failed to pay. The consequence was, that he declared the British to be a nation which no promises could bind, and no rules of justice, honour, or faith, could restrain; and he invited the powers of Hyder Ally against us; for no Indian was safe while the English had an inch of territory in the East. The learned lord descanted with great ability on our conduct in all these instances, and stated, that the miserable issue of all their guilt was, that we were under the necessity of humbling ourselves before those powers whom we had offended, praying them to interfere and negociate for a peace. With regard to the nabob of Arcot and the rajah of Tanjore, (names much better known to that House, than any other he had mentioned) by the same sort of treatment, they had been reduced by us to the utmost extremities of distress, and they had it not in their power to assist us, as appeared from sir Eyre Coote's letters, in one of which he states that the nabob, when called on, declared his inability to furnish either money, grain, or forces to assist in repelling Hyder Ally, one of the most powerful invaders that ever entered an enemy's country. The following are the words of sir Eyre Coote's letter to the Secretary at War, on the subject, dated 1st Dec. 1780: "Observing the enfeebled state of our army here, and the absolute impossibility of reinforcing it from any of the detachments stationed either to the northward or the southward, of which the fate of that under the command of colonel Baillie furnishes us a melancholy proof, I naturally turned my eyes towards the nabob, Mahomed Ally; but, figure my disappointment, when, instead of finding him in a condition to assist our exigencies, I learned from his own mouth, that he had neither men, money, or influence, and that he looked to the Company for the support of both his interest and credit." The rajah of Tanjore likewise pleaded inability from the impoverished state of his country, in consequence of its being so ill managed while in the hands of the nabob of Arcot. So that, upon the whole investigation into the state of our alliances in India, it appeared that we were at war with several powers, and had no ally that was of the least service to us.

The next head the learned lord spoke to, was the state of our finances in the different presidencies. He began with an account of the revenue of Bombay, which he declared fell short of its necessary civil and military investments 200,000*l.* annually, which was always drawn from Bengal. While speaking to this, his lordship mentioned it as a speculative point of his own, that he had his doubts whether any possessions on the western side of India were worth our obtaining or keeping. He acknowledged that Bombay was of great importance to us as a maritime power, for the reception and accommodation of our fleets, naval and commercial, at certain

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seasons of the year, but he principally objected to offensive operations, by marching against the country powers with a view to obtain new possessions and addition of territory, which exploits were always enormously expensive, and created great jealousy and hatred from the princes, whose lands we either entered or approached. His lordship after this noticed the revenues of the Madras presidency, declaring, that upon an average of twelve years, from 1767 to the end of 1779, there had been eight years peace and four years war, (viz. 1767 and 1768, and 1778 and 1779 of war, and the other eight of peace) whence it appeared, that in war time the revenue had not been nearly adequate to the civil and military investments, and in time of peace there was an excess of revenue amounting to about one half as much as the expence, but that on the whole twelve years there was a deficiency of about 41,000*l.*—His lordship next called the attention of the House to the finances of Bengal, by much the most fertile and productive of all the British possessions in India. He stated, that at one period Mr. Hastings wrote word over, that the immense debt of one core ten lacs of pagodas was incurred, but that he had the pleasure to see it all paid off, and that at a subsequent period so large a sum as four core of pagodas were in the Bengal treasury; but unfortunately, of late, the governor general had been obliged, in consequence of the expence of the Mahratta war, to return to the old practice of borrowing, and there not only was at this time a large bonded debt, but it was a doubt whether the investments for England must not be wholly or partially suspended. Thus having gone through the whole state of the finances of our various Asiatic territories, his lordship said, he might possibly be asked to what the Mahratta war had been owing? To that, he could only answer by conjecture: probably the Bombay presidency, by whom it was commenced, knowing that the Bengal and Madras presidencies must support them in it, or let them be swallowed up, began it with a view to involve them all in it; or, probably, it was owing to the fault of the directors at home, who it was plain, from a variety of proofs, never properly reprehended their servants for a breach of orders, provided certain lacs of rupees found their way to them; or if they did censure their servants in India, their censures were accompanied with so many palliatives, that it was pretty evident to those to whom the censures were sent, that they might proceed again in face of the directors' orders, without running great danger of severity; so that an obtainment of a treasure was the consequence of their continued violation of order.

With regard to the present state of the Carnatic, he declared he had no authority to say it was not at that moment in a state of war; he hoped, however, that the valour of the British arms had proved successful since the last victory obtained by sir Eyre Coote. After descanting upon that and a variety of other facts, the Lord Advocate said, he hoped it was pretty evident to the House, that it was folly and madness to have broken through the policy laid down by lord Clive, and that it would be wise to revert to it again as soon as possible. As matters stood, military exploits had been followed till commercial advantages were in danger of being lost. He expatiated on our having first obtained our Indian possessions with a commercial view, and then argued on the absurdity of letting wild schemes of military achievement, pervert and put a stop to commercial benefits. He spoke of Mr. Hastings as an officer who in a great many instances, he believed, had proved himself a very meritorious servant of the Company; but his duty obliged him to think as he felt, and to speak as he thought; he, therefore, could not help saying, that he wished every servant of the Company to consider that it was and ought to be the first aim of his life to prove himself a faithful steward to the Company, and that he had no right whatever to fancy he was an Alexander, or an Aurungzebe, and prefer frantic military exploits to the improvement of the trade and commerce of the country. He also mentioned a variety of different objects that were to be regarded by that House, in the regulations they might make in consequence of what he should offer to the committee: and particularly dwelt on the immense number of natives that depended entirely upon the British government for security and protection. He shewed how scandalously they had been pillaged by those British officers who had been entrusted with power in India; he reprobated the circuit-committees, who, on renewing the leases of the natives, had taken as presents large sums from the zemindars. He said that sound policy, as well as humanity, should induce us to hold out security to the natives, and by mild and friendly treatment give them a

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confidence in our government, and induce them both to feel and to find, that by cultivating and improving their lands, manufactures, &c. they benefited themselves and us mutually. He said, at present he was sorry to learn that we had made ourselves odious in India, and were considered there as a faithless people, regardless of the most sacred treaties, and as a people deserving chastisement and detestation; and what he was still more concerned at was, to find that the facts on which they gave us the disgraceful character he had just stated, did but too fully justify the country powers in fixing on us such an ignominious description. To prove how much we had degraded ourselves, he stated, that we, who had been the umpires of every power in India formerly, and had been looked up to there as the oracles of truth and justice, were now obliged, at an enormous expence, to prevail on an Indian prince, Moodagee Boosela, rajah of Berar, to be an umpire for us, and to intercede with some other of the country powers in our behalf. He seemed to hint at the necessity of empowering certain persons, to be named by his Majesty's ministers or by that House, to go to India, armed with the highest authority of this kingdom, and endeavour, by acting virtuously and wisely, to regain the confidence and good opinion of all the Indian powers, and restore peace and prosperity to our territories and dependencies. He dwelt for some time on this idea, and said, the persons to be invested with so splendid a situation ought to be men who had strong judgment, powerful abilities, and firm integrity: men who would carry characters that were unimpeachable out with them, and would bring them back uncontaminated and unsullied. To such an appointment he looked up for the preservation of India. He urged the House to pay the subject the most serious attention; he argued the great importance of the mere revenue this country derived through the medium of the duties of excise and customs of imports from our Indian possessions, and from China. He stated it at 1,300,000*l.* a year, and spoke of various other advantages this country derived from the goods, &c. brought from India. He called upon his Majesty's present ministers to support him in carrying through the business. He said, if any thing he should propose clashed with their plans, he would readily drop so much of his, or if he thought the whole would thrive better in their hands, he would resign it to them. If they would act seriously and sincerely in it, he would consent to be only a second, a third, a fourth, or any, the most subordinate instrument in conducting it through the House; it was necessary something material should be done, and that as early as possible.

In stating his design, he said it was to produce different classes of Resolutions, to offer them separately to the consideration of the committee, and to go into a minute and circumstantial detail upon each, in order to establish the different facts, he should propose for the committee's decision. That those classes should be divided under three distinct heads, the two first of a public and a general nature, intended to produce a good effect in India, as soon as they arrived there. The last of the three would be a string of resolutions of personal culpability. The last he should feel to be the most disagreeable part of the whole business, but his duty to the public required, that, irksome as it was, it must be gone through. At the same time he begged the House to recollect that he was but the mouth and representative of their committee. He spoke not in his own character, but as the committee, who, through him, were complying with the instructions of the House. It had been urged as a complaint, that the second report was a severe personal censure; he denied the imputation. The committee having found appearances of criminality, were bound in duty to state them to the House; and, having so done, the report was not a personal charge. The whole remained to be proved and established before it assumed the weight of a criminal charge. They had been importuned to hear an hon. baronet personally. They had declined it, and why did they so? For this reason: in their inquisitorial capacity it was not their province to ascertain criminality, or to inflict censure. They could only report what appeared to them, and it remained for the House to investigate the truth of those appearances, to hear the defence that should be offered, and to pass a judgment upon the whole of the case. He was a little astonished that an hon. baronet, on whom the second report had been said to bear hard, should have thought fit to print his defence. That looked like an expectation of being accused. It was unnecessary previous to accusation, and the more especially as he had ex-

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pressly declared last session, that it was not the intention of the committee to urge any resolutions of personal criminality, without giving due notice, and affording ample opportunity for defence and investigation. If it should be made appear that the resolutions of culpability, which he was free to say, he should offer to the consideration of the committee, were not founded, he would answer for the committee there was not a member of it, who would not express exultation and joy: and as the hon. baronet had most respectable connections in life, as well as many friends in that House, he could have no doubt of the fairness and candour of the whole proceeding, when the committee should have it before them, and that no censure on his character, no injury to his fortune, no disagreeable dilemma to his person would be drawn on him unjustly. On the other hand, he thought it manly and open to avow, that there would be such resolutions proposed, and that, painful as the task of offering them might and must be to his feelings, those feelings must yield to the duty he owed that House: they must yield to the duty he owed his country; they must yield to a sense of what was due to justice, to individuals in India, to persons yet unborn, and the necessity of setting a proper example to every future servant of the India Company. The learned lord introduced an infinite variety of other collateral observation; and at length, after being upon his legs three hours, concluded with moving, "That the several Reports that have been made from the secret committee appointed by the last and present session of parliament, relating to the affairs of the East India Company, be referred to the consideration of a committee of the whole House."

Lord *Lewisham* rose merely to pay the Lord Advocate a compliment on the very great ability displayed by him in the course of his speech, and to avow, that as a member of the committee, he gave his most hearty concurrence to every syllable the learned lord had uttered.

Sir *Thomas Rumbold* said, the eminent talents, the flow of eloquence, and the powers of reasoning of the learned lord, were exceedingly formidable to a man like him, little accustomed to speak in public. Conscious, however, of the justice of his cause, though he could not pretend to follow the learned lord through so large a field of argument and oratory as he had gone over, he would venture to trouble the House for a few minutes on some particular points touched upon by the learned lord. And first, he could not withhold his astonishment at the learned lord's having, with so much clearness, displayed so thorough an acquaintance with the affairs of India; such an acquaintance that he should hardly have supposed it possible for any human being to have acquired in so short a time as the committee had sat; he must, he said, beg leave to declare, that he perfectly agreed with the learned lord in a great variety of reasonings held by him, on different parts of the transactions to which he had alluded. The melancholy picture the learned lord had drawn and exhibited of the state of affairs in India, was, alas, too true, and in several instances the learned lord had imputed it to its right causes. The learned lord, however, he doubted not, would do him the justice to acknowledge that it appeared in all his letters, he had uniformly opposed the Mahratta war, and done all in his power to prevent its continuance [the Lord Advocate nodded assent.] His whole conduct, also, while he had the honour to hold the government of Madras, had been such, that he was persuaded, whenever it was fully enquired into, it would not only be found unexceptionable, but such as deserved some praise, if it were merely for the zeal shewn by him, to do all for the best, under the inconceivable difficulties and embarrassments, with which he was surrounded while in India. In that respect, though he did not mean to cast the least reflection on any member of the committee, he could not but say, they had not had all the papers before them, which would have elucidated his conduct fully, and placed it in a very different light, indeed, from that in which it appeared in the second report of the committee. As he had been assured he should have a full opportunity of making his defence, he should, at the proper time, call for those papers, which indeed the committee could not have, because they contained his correspondence while in India, and for reasons that he stated, were not in the possession of the East India Company. Those papers, when produced, would shew the House what had passed between him and the directors, and who it was that deserved censure, if any was due to either. Sir Thomas went into a complaint of the court of directors for instituting a suit in Chancery against him,

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when they knew the matter was to undergo a parliamentary discussion, contending that he had always understood, no subject of Great Britain could be upon his trial in two places at the same time for the same thing, which was supposed to be an offence. He said, there was one point in which he thought the learned lord was mistaken, and which bore rather hard upon him, and that was the remark, that it was a strange time to attempt to withhold the tribute, or peshcush, as it was called, from the Nizam of the Decan, when Hyder had invaded the Carnatic. The fact was, at that time there was no money in the treasury of Madras, and of necessity an attempt was obliged to be made to get a little time; but then the directions to the persons employed for that purpose were, not to press it; but if without much trouble, or creating any uneasiness, it could be done, to attempt it, if not, to forbear. Sir Thomas stated a great variety of particulars relative to the want of money to pay the army while he was at Madras. He said, that the army consisted of 30,000 men, that it required seven lacks a month to pay them, and that he knew not where, after the first day of the month was over, he should get the money against the first day of the next. He spoke of the Jaghire lands, the Guntoor circar, and the Tanjore country, and a great variety of other Indian topics. Whenever the affairs of the circuit committee was fully investigated, he had no doubt of being able to clear up his conduct most satisfactorily on that point, as well as respecting the zemindars; in short, he said, there was no part of the reports already published, that could not be so explained, by the papers and evidence he should lay before the committee, that they would redound to his credit.

Mr. Secretary *Fox* declared, he perfectly agreed with the learned lord in a great part of what he had said that day, with infinite ability, and would assure him, that he could not give his Majesty's present ministers better support, than by proposing effectually to reform systems of corruption and peculation. But although he was ready to agree with him, that India was, as he had emphatically stiled it, the brightest jewel that now remained in his Majesty's crown, and he verily believed, called for reformation and correction more immediately than any other part of his Majesty's dominions, (though God knew, there was food for reformation almost in every part of those dominions!) something had fallen from the learned lord in the latter part of his speech, which he thought it right to take notice of at that moment. It was, he said, impossible to deny the force of the greatest part of the learned lord's argument, because, in fact and in truth, it was nothing more than holding up a mirror to this country, and presenting, by reflection, the counterpart of what had happened to us more immediately; we had likewise had our wars from whose fruitful loins fresh wars had sprung; we had felt the want of alliances; we had experienced the expences of one year's war exceed the savings of many years: all these things, unfortunate as they were, we were no strangers to! What he rose, however, to speak to, was, that part of the learned lord's speech, in which, towards the close of it, he hinted at something, that he thought chiefly to be depended on, as likely to cure the peculation, and to prevent the corruption which had so shamefully prevailed for so many years past in India, and which, if he understood the learned lord rightly, was meant to be a commission of overseers and supervisors, to be sent out to superintend, awe, and direct the government in India. Did the learned lord recollect, that the experiment had been already tried in more than one instance, and had repeatedly failed? Was the learned lord aware, that by such a means of attempting to root out corruption, fresh causes of corruption would be engendered, and fresh means provided? As a matter of reform and correction, he would assure the learned lord, that he, and the rest of his Majesty's servants, would give him their support, provided the remedy was not worse than the disease; but as long as he should have the honour to be the minister of this country, he should think himself bound in duty to the crown which he served, and in duty to his country, to take care that no measures were adopted, which, by rooting out corruption at a distance, would be the cause of ruin at home. It behoved the learned lord therefore, and it behoved that House to watch with unremitting care to prevent any system of reform in India, or elsewhere, from increasing the undue influence of the crown, and from destroying the constitution of this country. The interposition of the crown was in his mind the worst sort of interposition that could be used in any case whatever, and so it had most frequently

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proved. He was not prepared to give his opinion upon the matter, as to what would be the best means of carrying a reform into execution and effect, that was undoubtedly extremely necessary, but thus much he would say on the first view of the business, that he should advise that House to stick to its constitutional province, to abstain as much as possible from interfering with the government, but to let those who were responsible, and ought to be responsible, direct the executive branch, while parliament reserved to itself its true constitutional right and privilege, the right of controul, and the privilege and power of investigation, censure, and removal, whenever his Majesty's ministers, be they who they might, should act unwisely, should act negligently, and above all, should act corruptly. He repeated it, that he was not prepared to pronounce what was best to be done, but on the first blush of the matter it struck him at least to be a much more simple and a much more easy way to remedy the evil that existed, by providing a good government in India, than to send out overseers to watch and guard a bad one. Experience proved that it was only multiplying mischiefs, and that it was to such expedients that corruption had owed its rapid increase. Mr. Fox again assured the learned lord, that his Majesty's ministers would think themselves best supported by proposals for extirpating corruption and introducing its reverse. He trusted, therefore that in the pending election of directors of the East India Company, they would prove their sincerity, in professing to desire to put an end to any farther existence of corruption and undue influence, by actually effecting it, and that able and wise men would be chosen, who would have the power to send out proper servants to India, to enforce an honest and upright government there, and if the directors found they could not do so, they would come themselves, like men of integrity, to the bar of that House, complain that their powers were insufficient for the purpose, and desire, either that parliament would arm them with stronger powers, or apply a fit remedy. Mr. Fox said, he wished parliament always to be considered as a resort, as it undoubtedly was, but never to be too ready to interfere in the first instance.

General *Smith* said, that for some years past he had foreseen the deplorable state to which the ambition, and the rash and foolish spirit of enterprize of the gentlemen who went out there would reduce the country. He had ever opposed their extravagant and wild designs. He had always reprobated them before the directors, and in particular, the Mahratta war; to which war we might attribute all our misfortunes, and all the mischiefs that had arisen there. We were carrying on that war 2,000 miles distant from our presidency; and we had such an army of sepoys in our service, that the revenues of no country, however rich, could support. An end to this war was what he had wished for, and what he always had advised. He said, another source of great evils in that country, was the want of a sufficient power in the directors, to enforce obedience to their orders, or to punish those who had abused their government. This, at present, they were not capable of doing, and which a letter he then held in his hand would plainly shew. It was a letter from the governor-general of Bengal, in which he refused to comply with an order sent out by the directors, stating, that, notwithstanding the great and high regard he had for them, he must and would refuse to do any thing whatever, in opposition to an act of parliament, under which he held his government. This was the language, not only of this gentleman, but of several others; so that, let them commit the basest or most shameful actions, they might return to this country, without the fear of punishment. These were the grievances he hoped, and wished to see redressed; and he trusted the House, without delay, would pay that serious attention to them which their importance required.

Governor *Johnstone* agreed, that it would not be politic to take the management of affairs out of the hands of the directors; it would be fully sufficient, that those in authority abroad, should know that this House would demand from them a strict account of their conduct. This would operate very powerfully in preventing those abuses complained of. He said, he did not think lord Clive, on whom so many encomiums had been passed, merited them from this country. He was ready to confess, however, that, though he had his faults, yet they were shadowed by the splendor of his virtues; but, he thought, the territories we acquired through him had done a greater injury than benefit to us. He said, he did not hope much in deputing men of integrity and ability from

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this country, to inspect into the affairs there. Such a measure had been tried already, without any great advantage: general Clavering, a man of the strictest honour, had exerted himself, together with other gentlemen, who were sent with him, to the very utmost without effect. At all events, he thought it advisable that the enquiry now instituted should be carried on without any party prejudice, and only with an eye to the public good.

Mr. *Burke* declared, nearly in the same manner in which Mr. Secretary Fox did, the intention of the servants of the crown to purge the nation of its foul humours, and restore it to its former purity. He professed the greatest admiration of the learned lord's speech; nor did he know which to admire most, its impartiality or its eloquence. There was no part of it that did not call forth his praise, whether he considered the arrangement of the matter, the selection of the subject, or the perspicuity with which it was delivered,—each of them deserved the highest encomiums. In short, he was free to own he never heard an abler speech delivered on such an occasion; and, therefore, while the learned lord persevered in that impartiality with which he set out in this business, and of which he did not harbour the least doubt, he might depend on the hearty concurrence of administration, with whatever measures he should bring forward. He said he was happy to see, in all parts of the House, such unanimity as they shewed in the present business; it convinced him they were determined to remove that fatal system of corruption, which had pervaded every department of the empire; they soon would perceive the salutary effects of it. He said, though the House had taken under their consideration the affairs of India, and of course would come speedily to some resolutions relative to it, yet, in the interim, he would advise a meeting of the directors, and that they should send off such instructions to India, as would be expressive of the determination of parliament to regulate its government, and restore, if possible, that respect to the British nation, which it once possessed there, by punishing those persons, who, by their mal-practices, had brought it into such disgrace. He thought such information being immediately sent there, at this crisis, would be attended with great advantages; it would in some measure eradicate the bad opinion which our enemies entertained of us; and would be a caution to those who had the management of our affairs, to beware how they indulged themselves in their peculations, as they were wont formerly to do.

The question on the Lord Advocate's motion for a committee of the whole House on Monday next was then agreed to.

April 10. General *Smith* claimed the attention of the House, while he, as chairman of the Select Committee on India affairs, related to them a few particulars that had come within his knowledge; the Committee sat last session, and his Majesty, at the opening of the present, was graciously pleased to take notice of the progress they had made, and advised a continuance in that important business. By the evidence produced to the Committee, it appeared that great abuses had been committed in India, by the person whose business it was to have administered justice. The chief justice, sir Elijah Impey, had so far derogated from the character of a judge, as to accept a place from the India Company, which made him under their controul, and consequently deprived him of that independence which ought to constitute the character of a judge. If in England, where we had the blessing of trial by jury, and the duty of a judge was nothing more than to explain points of law, it was thought necessary for that judge to be independent, how much more so was it necessary for a judge to be independent, who had the sole management of all affairs of law? Owing to justice being partially administered in India, several worthy and respectable personages had been imprisoned, and, from the length of their confinement, their estates had been ruined, and some had died in gaol, not being able to extricate themselves; however, he hoped parliament was competent to redress their grievances, and punish the offenders. Mr. Sullivan, a late chairman at the India House, had behaved in a very extraordinary manner, and had been a great favourer of the illegal measures that had been pursued; but he trusted when the reports came to be laid before a committee of the whole House, which he should move for, a right hon. gentleman, (Mr. Burke) would, as he had done on the Select Committee, give him all the assistance which such great abilities as his were capable of; he would therefore, for the present, take up no more of the time of the House, than by moving, "That the several Reports

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which have been made from the Select Committees, appointed in the last and this present session of parliament, relating to the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa, be referred to the consideration of a committee of the whole House."

Mr. *Burke* assured the general, that he would give him every support in his power, and hoped that parliament would do justice to those persons that were injured, and, at the same time, punish those who were guilty.

The motion was agreed to.

April 15. The House having resolved itself into a Committee of the whole House, to consider of the several Reports which have been made from the Committees of Secrecy, appointed in the last and this present session of parliament, relating to the affairs of the East India Company; sir George Howard in the chair;

The *Lord Advocate* said, that he did not mean to trouble the committee, or take up much of their time with a detail, of which they were already in a great measure in possession: he intended only to submit to them some Resolutions, the propriety or impropriety of which he did not desire to have then discussed. He had several reasons for wishing to submit them to the committee, before they should enter into the discussion of them: if these Resolutions should be passed by the committee, and should afterwards be approved by the House on the report, then of course they must be considered as instructions, which his Majesty's ministers must have constantly before their eyes, whenever they issue orders to the commanders of the King's land or sea forces in India, and therefore it would be proper to give the servants of the crown sufficient time to consider how far the Resolutions agree with the views or plans which they may have in contemplation, respecting the future government of India. He was desirous also that the India Company might have time to turn them in their thoughts; but above all, he wished to give those individuals, who might be the immediate objects of some of the Resolutions, an opportunity of knowing the nature of the charge that was to be brought against them, that they might be prepared for their defence. It was his intention at first to have moved the Resolutions then, but it had been suggested to him, that they might get into the votes of the House, before the defence could be made: this objection had great weight with him; and on that account he intended for the present not to move, but to read the Resolutions to the committee, and afterwards leave them in the hands of the clerk, from whom gentlemen might get copies of them, if they pleased. The learned lord then read the following 45 Resolutions:

1. "That the orders of the court of directors of the East India Company, which have conveyed to their servants abroad a prohibitory condemnation of all schemes of conquest and enlargement of dominion, by prescribing certain rules and boundaries for the operation of their military force, and enjoining a strict adherence to a system of defence upon the principle of the treaty of Illahabad, were founded no less in wisdom and policy, than in justice and moderation.

2. "That every transgression of those orders, without evident necessity, by any of the several British governments in India, has been highly reprehensible, and has tended in a chief degree to weaken the force and influence, and to diminish the resources of the Company in those parts.

3. "That every interference as a party in the domestic or national quarrels of the country powers, and all new engagements with them in offensive alliance, have been wisely and providently forbidden by the Company in their commands to their administrations in India.

4. "That every unnecessary or avoidable deviation from those well-advised rules, should be followed with very severe reprehension and punishment for it, as an instance of wilful disobedience of orders, and as tending to disturb and destroy that state of tranquillity and peace with all their neighbours, the preservation of which has been recommended as the first principle of policy to the British governments in India.

5. "That the maintenance of an inviolable character for moderation, good faith, and scrupulous regard to treaty, ought to have been the simple grounds on which the British governments should have endeavoured to establish an influence superior to that of other Europeans, over the minds of the native powers in India; and that the danger and discredit arising from the forfeiture of this pre-eminence, could not be compensated by the temporary success of any plan of violence or injustice.

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6. " That as any essential failure in the executive conduct of the supreme council or presidencies would make them justly liable to the most serious animadversions of their superiors; so should any relaxation, without sufficient cause, in these principles of good government, on the part of the directors themselves, bring upon them, in any heavier degree, the resentment of the legislative power of their country, which alone can interpose an effectual correction to the general misrule.

7. " That the conduct of the Company and their servants in India to the King and Nudjiff Cawn, with respect to the tribute payable to the one, and the stipend to the other, and with respect to the transfer of the provinces of Corah and Illahabad to the Vizier, was contrary to policy and good faith; and that such wise and practicable measures should be adopted in future, as may tend to redeem the national honour, and recover the confidence and attachment of the princes of India.

8. " That too strong a confirmation cannot be given to the sentiments and resolutions of the court of directors, and of the court of proprietors of the East India Company, in condemnation of the Rohilla war: that the conduct of the president and select committee of Bengal appears, in almost every stage of it, to have been biassed by an interested partiality to the vizier, to transgress their own, as well as the Company's positive and repeated regulations and orders: that the extermination of the Rohillas was not necessary for the recovery of forty lacks of rupees; and that if it was expedient to make their country a barrier against the Mahrattas, there is reason to believe that this might have been effected by as easy, and by a less iniquitous interference of the government of Bengal, which would at the same time have preserved the dominion to the rightful owners, and exhibited an attentive example of justice, as well as policy, to all India.

9. " That the Company's servants in their presidency of Bombay, were guilty of very notorious instances of disobedience to the orders of their employers, as well in the proceedings against the nabob of Broach, as in the commencement of the Mahratta war, by the seizure of the islands of Salsette and Caranja.

10. " That it appears that the court of directors made use of very strong expressions, to communicate their wish of acquiring those islands, and the fortress of Bassein, and although in the month of April 1775, previous to the receipt of intelligence that Salsette was taken, they very explicitly confined their servants at Bombay to measures of negociation, as the only means they authorised for making the acquisition; yet, after knowledge of the event, they do not seem to have signified any displeasure at the transaction, or any farther anxiety than about the preservation of the conquest: and that the court of directors in this instance gave countenance and sanction to the very measure they had themselves so pointedly condemned, and are therefore so far chargeable with the responsibility of it.

11. " That in forming an offensive alliance with Ragoba, the government of Bombay violated the orders of the Company against any connections of that nature, and against any interference in the quarrels of the native powers: that they undertook, without a certainty of an adequate revenue, or a sufficient military force, and without proper communication with the superior government upon which they were to depend for sanction and support, to place that chief on the musnud at Poona, and thereby to involve themselves in a war with the ruling ministers of the Mahratta state; while Ragoba himself was not in the mean time able to give the Company secure possession of any of the grants he had made to them for the purchase of their assistance.

12. " That the measures taken by the majority, which then consisted of Messrs. Clavering, Monson, and Francis, in the government of Bengal, for the restoration of peace, were wise and just in their principle, and conformable to the spirit of the Company's orders, notwithstanding that their method of interference was not afterwards approved of by the court of directors.

13. " That the terms of the treaty concluded by colonel Upton at Poorunder, in the beginning of March 1776, were honourable and advantageous to the Company; when the circumstances of the rise and progress of the war, the want of resources for carrying it on, the state of the contending parties, the instructions of the superior council, and the general sentiments of the Company, are attended to.

14. " That the perseverance of the superior government in directing the execution of the articles of accommodation, was judicious and commendable, notwithstanding that the presidency of Bombay pro-

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tested against them, as inadequate, and highly injurious to the reputation, honour, and interests of the Company: and that the court of directors, in their letter of the 15th of December 1775, which reached Calcutta on the 1st of July, 1776, declared their intentions of keeping all territories and possessions ceded to the Company by the treaty concluded with Ragoba.

15. "That the president and council of Bombay, in granting an asylum to Ragoba after the conclusion of the treaty of Poorunder, did not thereby commit any direct infringement on the stipulations of that treaty, provided they had taken no other offensive measure in support of his cause: and it appears, that his conduct coincided with the sentiments and instructions of the court of directors, who made the personal safety of Ragoba one of the conditions of their acquiescence in the treaty of Poorunder.

16. "That it appears that the court of directors, by their letters to Bengal of 5th February, and to Bombay of 16th April 1777, manifested some dissatisfaction at the terms of the treaty of Poorunder, as it had not procured for the Company the surrender of Bassein, and gave very strong encouragement to both presidencies, to seize the slightest pretence of provocation from the ministers to renew their engagement with Ragoba.

17. "That it appears that the propositions of the governor general, recorded on the 26th of January 1778, were evidently founded on these sentiments of the court of directors, contained demands on the Mahratta administration greatly exceeding the conditions of the treaty of Poorunder, and opened the first design of sending a detachment from Bengal to the Malabar coast.

18. "That the resolution of the majority of the supreme council on the 2nd of February 1778, which, by the death of colonel Monson, was now decided by the casting voice of the governor general, had a strong tendency to a renewal of the Mahratta war; because it gave a sanction and confirmation to the resolution of the Bombay council of the 10th and 12th of December preceding to co-operate with a confederacy of some of the Mahratta ministers, in carrying Ragoba to Poona.

19. "That it appears that the court of directors, in their letter of the 4th of July, 1777, to the president and council of Bombay, enjoined them to pay a strict adherence to the treaty of Poorunder; but gave them at the same time orders to obey the directions of the superior council, who were possessed of a discretionary licence to resume the cause of Ragoba; and that the proceedings of the governor general and council, on the 23d of March, 1778, and the letter written in consequence, containing instructions to the administration at Bombay, amounted to a virtual encouragement, as well as authority to them, "to form a new alliance with Ragoba, and to engage with him in any scheme they should deem expedient and safe for retrieving his affairs."

20. "That it appears, that a French agent had been received at Poona, in the beginning of the year 1777, and that negociations were supposed to be thenceforward carried on between him and the Mahratta government, of a tendency inimical to the British interests; that general Clavering had declared his opinion, "that all the acts of the Bombay presidency had been so manifestly hostile to the Mahratta state, he was not surprised at their endeavour to form connections with the French, to protect themselves against such unfriendly and unjustifiable proceedings:" that colonel Upton had ascribed to the presidency of Bombay, the blame of delay and obstruction to the conclusion of the treaty, and had given his opinion, "that when all the conditions of it should be carried into execution, the French intrigues at the Mahratta durbar would no longer give any alarm; and that if a minister from the superior council was sent to reside there, which the Peshwa and ministers had ever requested, the interest of the Company with the Poona government would be secured against every attempt to supplant it."

21. "That it appears that the governor general on the 1st of June, 1778, professed his resolution of supporting Ragoba, as a mere instrument for defeating the projects of the French, and of giving security and permanency to the peace of the settlement of Bombay; that on receipt of accounts from Europe, of a rupture with France, the majority of the board, on the motion of the governor general, resolved upon a deputation to Berar, to form an offensive alliance with the rajah.

22. "That any support of Ragoba, inconsistent with the treaty of Poorunder, does not appear to have been so necessary or advisable a means for defeating the supposed projects of the French, in con-

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junction with the Mahrattas, as to risk the certain expence and uncertain event of such an undertaking.

23. "That it does not appear to have been a necessary or advisable means, for defeating the supposed projects of the French, to depart from the settled maxim of the Company's policy, and to hazard the consequence of an offensive alliance with the rajah of Berar, for the avowed purpose of recovering for him the conquests made by the nizam, and of uniting the dangerous powers of the Mahratta empire under one active command.

24. "That it appears that the nizam, in the month of July 1778, warned the governor general, as he had before done the governor of Madras, in the most unequivocal manner, of the nature of his connections with the Poona government, and of the hostile part which he should take against the Company, in consequence of the support they might give to the pretensions of Ragoba: and that it farther appears, that he engaged to insist upon the execution of the treaty of Poorunder, and to take part with the Company against the Mahratta ministers, if they should be found to give any countenance or encouragement to the French.

25. "That a more certain means of completing the stipulation of the treaty of Poorunder, and a more wise, safe, and honourable plan of defence against the machinations of the French, might have been effected at that period, than either an offensive alliance with the rajah of Berar, or any active interference in favour of Ragonaut Row.

26. "That under all the circumstances of the times, it was not only unnecessary but impolitic, to take any measures conducive to a re-commencement of hostilities against the Mahrattas, without a certainty of the friendship and concurrence of Hyder Ally, and the effectual support of a powerful party in the Poona government; and that, therefore, the resolutions of the president and select committee of Bombay, on the 21st of July, and the conditional approbation sent by the superior board, on the 17th of August 1778, were so far reprehensible.

27. "That it is the opinion of this Committee, that the proceedings and resolutions of the president and majority of the select committee of Bombay, on the 12th of October, 1778, and the military operations undertaken in consequence of them, were rash, unauthorised, and impolitic, and therefore highly reprehensible; because the situation and circumstances of their own strength and resources, the uncertainty of support from the Bengal detachment, the improbability of any material aid from a party in favour of Ragoba, and his reluctant consent to the terms prescribed for his own conduct, concurred in rendering the expedition to Poona a very dangerous and unpromising enterprize.

28. "That it appears to this Committee, that the court of directors in their letter of the 27th of May, 1779, gave a warm approbation to the treaty and negociation formed with Ragoba, for the purpose of an expedition to Poona, and gave it a decisive preference over every connection with the rajah of Berar, which might set aside or counteract it.

29. "That it appears to this Committee, that as well the undertaking, as the failure of the expedition, were attended with the most unfortunate and distressing circumstances for the Company's affairs; and that as the support of Ragoba had shaken the confidence of the native princes in our good faith, the defeat of the enterprize lessened their idea of our power, and that, in consequence thereof, their inclinations and hopes were incited and encouraged to hostile opposition against us.

30. "That it appears to this Committee, that another distressing consequence of the engagement with Ragoba, and the unfortunate issue of the expedition, was the necessity of having recourse to subterfuge at the time of the convention at Worgaum, and to subsequent disavowal by the superior council, to evade the performance of the articles of convention.

31. "That it appears to this Committee, that sir Eyre Coote, in his letter of the 18th of January, 1779, condemned the conduct of the two presidencies of Bengal and Bombay, and with good reason denounced the probable bad consequences of the expedition to Poona, and of the march of the detachment "which was sent from Bengal at an immense expence, and could produce nothing but distress to the Company, not to say dishonour to the nation, whether successful or not."

32. "That it appears to this Committee, that the president and select committee of Fort Saint George, in their letter of the 7th of February, 1779, with no less forcible reason, denounced the like fatal consequences of these measures, and justly pointed out the alarming influence which the ill-timed and unfortunate enterprize

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from Bombay might have on the minds of the country powers, to the prejudice of the British interests; that they foresaw with justice that it might operate as an encouragement to Hyder Ally, "openly to resist the proposed attempt on Mahé;" that there was therein great foundation for their apprehensions of the unfavourable impression which those measures and events might fix in the disposition of the nizam, already biassed against the Company; that they represented with truth, the danger to which, in those circumstances, their northern circars would be exposed, should the nizam be induced to venture upon hostilities against them; that they therefore, with provident policy, resolved to send a resident to his durbar, who might have the best intelligence of his temper and motions.

33. "That it is the opinion of this Committee, that the first ostensible design of the deputation to Hyderabad was perverted to a most impolitic and dishonourable purpose, by the steps taken for obtaining a relinquishment of the peshcush, and, as such, tended rather to inflame than compose the resentment of the nizam; which conduct was the more unpardonable in the president and select committee of Fort Saint George, because they had apprehended, with such early and just foresight, the dangerous effects of his dissatisfaction, and the necessity of averting it.

34. "That it is the opinion of this Committee, that the motives, as well as the success of the nizam's instigations, to form and animate a confederacy of the great country powers against the British possessions in India, and the calamitous events which ensued, may be properly attributed both to the unjustifiable proceedings against the Mahratta government, and to the conduct of the Madras presidency, in regard to the peshcush and Guntoor circar.

35. "That it appears to this Committee, that the instructions and powers given to colonel Goddard by the superior council on the 5th of April, 1779, fixed on them, from that time, the chief direction and responsibility of the treaty and war with the Mahrattas.

36. "That it is the opinion of this committee, that whatever backwardness was afterwards manifested by the Mahratta ministers to any accommodation, unless upon very hard and humiliating terms to the Company, must be ascribed as well to their too reasonable diffidence in our sincerity, as to their advantageous pretensions from the convention of Worgaum, and the well-known discontent or enmity which our conduct had raised in other powers against us.

37. "That it appears to this Committee, that the expences of the war, and especially of the detachment sent to the Malabar coast, were felt and acknowledged to be, in a very serious degree, distressing to the Bengal government, and greatly over-balanced every probable advantage from success, even before the irruption of Hyder Ally into the Carnatic made the misfortune of being engaged at the same time in such a war with the Mahrattas more calamitous and alarming.

38. "That it appears to this Committee, that immediately upon advice of the success of Hyder Ally in the Carnatic, the governor general and council gave proof of the readiest and most important exertions for the assistance of the presidency of Madras, and took immediate measures with a view to obtain peace with the Mahrattas, and to regain the friendship of the nizam.

39. "That it is the opinion of this Committee, that it must be reckoned amongst the many additional mischiefs which have arisen chiefly from this improvident war with the Mahrattas to the Company's affairs, that the military force of the Carnatic had been weakened by reinforcements sent to the Malabar coast; that the Bengal government have been under the necessity of supporting, on their confines, the army of a power, confederated (however involuntarily) against them; that they have been obliged to sue for the mediation of the same power (the rajah of Berar) have submitted to a refusal, and purchased at last an uncertain, because apparently an unauthorised, treaty, on most extravagant and dishonourable conditions, with his son rajah Chimnajee; and finally, that, being burthened with the expences of a variety of distant expeditions, while their allies are in distress, and their tributaries under oppression, there is also an alarming deficiency in their own resources of revenue and commerce, by the accumulation of their debt, and the reduction of their investment.

40. "That it is the opinion of this Committee, that the attempt made by the government general, in the month of January, 1781, to form an engagement of alliance, offensive and defensive, with the Dutch East India Company, by the

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means, and upon the terms stated in the proceedings of their council, was unwarranted, impolitic, extravagant and unjust.

41. "That it appears to this Committee, that, according to the last official dispatches from Bengal, dated 15th May, 1781, the prospect of peace was not then propitious, because it did not seem to be wished for by the Mahrattas upon the terms proposed, and because the government of Bengal, not thinking it desirable, without obtaining even additional advantages, had reprobated the system of defence which the presidency of Bombay wished to have adopted; and that the conduct of the government general, as far as it might tend to procrastinate accommodation with the Mahrattas, was evidently injurious to the interests of the Company and to the nation.

42. "That it appears to this Committee, that the government general had been previously in possession of a letter from the duan of the rajah of Berar, containing overtures for mediation for peace, and alliance with the Peshwa; and that this material information was wholly suppressed by them in their dispatches to the court of directors, but a copy of it was sent by the same conveyance to the private agent of Mr. Hastings; and that in thus neglecting to make immediate communication to the court of directors of such important intelligence, the government general appear to have failed in an essential part of their duty.

43. "That it appears to this Committee, that the court of directors, in their latest dispatches, have given instructions, which, if duly obeyed by their governments in India, may have already perfected the desirable work of peace; and that every encouragement and assistance which may be thought necessary should be given by parliament to expedite the accomplishment of it: "That the principle of pacification may be extended as soon as possible to a general restoration of tranquillity with all the neighbouring powers, on terms of the most perfect moderation, in order that the honour of the nation may be retrieved, and the several governments may be able to lessen their own insupportable charges, and to relieve their friends and allies from additional expences and oppressions incurred on account of war; and also that they may be able to exert their whole force against the national enemies, if the continuance of European troubles should make it necessary."

44. "That it is the opinion of this Committee, that for the purpose of conveying entire conviction to the minds of the native princes, that to commence hostilities without just provocation against them, and to pursue schemes of conquest and extent of dominion, are measures repugnant to the wish, the honour, and policy of this nation; it is the duty of the court of directors, in conformity to the sense expressed by this House, forthwith to recal such member or members of their principal presidencies as appear to have been chiefly concerned in wilfully acting upon a system tending to inspire a reasonable distrust of the moderation, justice, and good faith, of the British nation.

45. "That it is the opinion of this Committee, that if any persons, in violation of the public faith given by the East India Company in the year 1775, and contrary to the true intent and meaning of the several resolutions of this House of the 29th of April last, have taken in sequestration or otherwise the revenues of Tanjore into the management of the nabob of Arcot, or of the East India Company; it is the duty of the court of directors forthwith to order the said revenues to be returned to the administration of the king of Tanjore, agreeable to the treaties of the years 1762 and 1775."

Mr. *Hussey* wished to know if the learned lord intended, after all his Resolutions should be adopted by the House, to ground any specific measure upon them.

The *Lord Advocate* replied, that at all events he should have them on record, by getting them into the Journals, if they should be approved by the House; and then they would of course be a kind of law, both to his Majesty's ministers and the court of directors. He did not know what measure the King's servants might have in contemplation; if they had any, which differed from his, he would not press his own, because it was the good of the empire alone that he had in view: but if this system should be adopted, he was free to confess, that he would propose some measures that would appear to rise out of the Resolutions themselves.

Mr. *Hussey* despaired of seeing the affairs of India thrive and prosper, until the government of that country, and the management of the commercial concerns of the Company, should be placed in different hands.

General *Smith* seemed to be of the same

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opinion, and went so far as obliquely to blame the court of directors for having given orders to dispossess the Dutch of their settlements in India; which might eventually leave the republic at the mercy of Great Britain; an event which he did not wish to see, as so very bad a use might be made of it.

Mr. *Gregory* defended the measure of dispossessing the Dutch. Some of the settlements we had taken might have served as *places d' armes* for the French, which would have enabled that people to make themselves masters of the rich and fertile country of Tanjore, which supplied the Carnatic with grain; and he thought it would be very strange conduct in the court of directors, not to give orders to pursue vigorous measures against a nation with which we were at war; he wished as much as any man for a reconciliation with our old friends, but he thought vigorous exertions the most effectual means to effect a disposition in them towards a reconciliation. With respect to the future management of our own settlements, he thought it would be necessary to allay the fears of the surrounding powers in India, by convincing them that our armies were there for defence, not offence; and that they might rest secure that we would not attempt to disturb them in the possession of their dominions, by invasions, or endeavours to extend our territories by conquest; and next, it would, in his opinion, be absolutely necessary to make some examples, in order to satisfy the country powers, that we have a respect and regard for treaties, and public faith, which would be the case when we punish those who presume to violate them.

Mr. *Burke* spoke nearly on the same principle, but with infinite humour and wit; in adverting to what the learned lord had said on a former occasion, of the vanity of our rulers in wishing to eclipse the lustre of the conquests of Alexander and Aurengzebe, he humorously alluded to the court of judicature, wishing to extend over India the dominion of the renowned and doughty conquerors, John Doe and Richard Roe.

The Chairman was then directed to report progress, and ask leave to sit again.

April 17. The House went again into the said Committee, in which the Lord Advocate read the 24 Resolutions, respecting the Government of Fort St. George, &c.

Mr. *Hussey* wished that all the Resolutions might be printed, that gentlemen might have an opportunity of comparing them with the reports on which they were said to be founded.

Sir *Thomas Rumbold* had a strong objection to such a measure; he would not have the charges go abroad into the world unaccompanied by the defence, which must be the case if the Resolutions were printed; as soon as he should have subjoined his defence to such of them as affected him, he would not make the least objection to their being printed: the learned lord who had read the Resolutions, had refrained from moving them, lest they should get upon record before the defence; he trusted therefore that the Committee would be guided by the same principle.

Mr. *Burke*, on the contrary, wished that the Resolutions might be printed. The hon. baronet's fears, lest they should get into the world too soon, were expressed too late; for, as the clerk was authorised to give copies of them, they could not be concealed from the world. But this was not a time for punctilio: the finest country in India, if not in the world, had been destroyed, as far, at least, as the perverseness and obstinacy of man could destroy the works of the Creator. To discover the causes of such an event, was the duty of the committee; the preservation of our possessions in India, and, what was more, of our honour and reputation, called for the most serious enquiry; and every measure tending to aid an enquiry of so much importance, ought to be adopted. It sometimes happened, that when the inhabitants of a country were ruined and plundered, their prince was found possessed of all their wealth: but was this the case in the present instance? Very far from it indeed: the nabob of Arcot had been often sent over the country to ravage and plunder it, at the desire of the servants of the India Company; was he then enriched by this plunder? The very reverse; for when Hyder Ally's army invaded the Carnatic, and the presidency of Madras applied to the nabob for succours, they found him without troops, without treasure, without provisions, without credit, and without influence; nay more, he had contracted debts to the enormous amount of 2,400,000*l.* It was natural therefore, for a man who looked round, and found the Carnatic ruined, the people plundered, the nabob in debt, and

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the Company's servants wallowing in riches, to think of enquiry, and to call their servants to account.

Sir *T. Rumbold* said, that the nabob's debt had been contracted before he went out to India.

Mr. *Burke* acknowledged this; and said farther, that one of the objects of the hon. baronet's instructions when he was sent out, was to enquire how the debt had been contracted.

The *Lord Advocate* said, that as he found it was the general sense of the committee that the Resolutions should be printed, he would take care to have it done himself, as the committee, not being, in fact, in possession of resolutions that had not been read, could not make any order for printing them.

The Chairman was ordered to report progress, and ask leave to sit again.

April 18. The House having resolved itself into a Committee of the whole House, to consider of the several Reports which have been made from the Select Committees appointed in the last and this present session of parliament, relating to the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa;

General *Smith*, following the example of the Lord Advocate, read to the committee, but without moving, ten Resolutions formed by the select committee, on the business of the court of judicature at Bengal; and that gentlemen might have time to consider them, he gave notice that he would let them lie on the table, and not move them till Wednesday next. Some of them pressed hard, both on sir Elijah Impey, and Mr. Sullivan of the India-house.

Mr. *Powys* returned his thanks to the hon. gentleman, for the candid manner in which he had acted, in not pressing his Resolutions then, but affording time to the members to consider them maturely, before they should be called upon to give an opinion on the subject, in which the characters of some individuals were concerned; and he thought that Mr. Sullivan ought to be heard, before the House should proceed to give any opinion whatever.

Mr. *Dempster* was glad that the hon. gentleman gave time for considering the resolutions; he would avail himself of that opportunity to compare them with the report on which they were said to be founded: at present, he was not ripe to speak on the subject, or to pass so severe a censure on sir Elijah Impey, as was conveyed in some of those Resolutions.

Mr. *Burke* admitted the propriety of the hon. gentleman's feelings on the occasion; but though it would be very improper for him in the present stage of the business, to give a decided opinion on the subject in question, it was very proper in those who had formed the Resolutions, to speak out, and definitively, because they had maturely examined the matter in the committee; and therefore they might be said to have spoken from evidence.

The Chairman reported progress, and asked leave to sit again.

April 22. The House having resolved itself into a Committee of the whole House, to consider further of the several Reports which have been made from the Committees of Secrecy appointed in the last and this present session of parliament, relating to the affairs of the East-India Company,

The *Lord Advocate* took up the Resolutions which had been laid by him on the table, and printed for their information. The first set of Resolutions which he had read, amounting to 45 in number, as they regarded the general system of our government in the East, and demanded so serious a consideration, he should take up subsequently to the Resolutions respecting the Carnatic, although he had laid them on the table the first. No other papers were requisite to the consideration of them; and as no time ought to be lost, he would now propose them to the committee.

Sir *T. Rumbold* begged the learned lord to allow him to suggest, that the 12th and 13th of those Resolutions might be postponed, that he might have an opportunity of calling for papers that he conceived to be necessary. Those papers he had ordered at the India House, and no delay would be occasioned on account of them.

The *Lord Advocate* said, that he could have no objection to this, and that he should, when he came to those Resolutions, move to report progress. He then stated, the first four Resolutions respecting the finances of the presidency of Fort St. George, and which stated a fact, that even in times of profound peace the revenue was unequal to the investment. Those four Resolutions were agreed to without any debate. The learned lord then moved the fifth Resolution, which stated, that the balances due by the zemindars, in the

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northern circars, had very much increased of late, and they were much distressed.

Sir *T. Rumbold* said, that in respect to the fact, it was certainly true, that the balances were increased; but he thought they should now content themselves with saying merely that they had so, without inserting the words "of late;" for thereby it implied, that they had principally increased under his government; whereas, it was very well known, that the balances were great before he went to India, and that the zemindars were distressed.

Several members spoke, to shew to the House that the fact was exactly as stated in the Resolution; that the balances had very much increased of late; and general Smith in particular stated the precise amount of the balances at the different periods, by which it appeared that they had increased most rapidly of late, and to three times their former amount. The Resolution was agreed to.

The learned lord then read the sixth and seventh Resolutions, which went to state and reprobate the practice of the chief of our subordinate settlements receiving from the zemindars, and applying to their own use, certain large sums of money, under the name of nazir, or free gift. He said, that this was a practice of a most baneful nature, for thereby it was that the men appointed to act under the direction acquired immense sums; and he was afraid they acquired them by the neglect, or abuse of duty. It was a common mode of salutation in this country, to bow to the person whom we addressed. In India there was another mode of salutation in use; and the man who came to speak to a person superior to him in rank, paved the way for his reception by a present. This the committee had learnt from a witness; and he had added, that the nazirs, or free gifts, which our chiefs received from the zemindars, were of a different nature from the usual complimentary presents; for they were valuable, substantial gifts, such as the chiefs were anxious to receive, and careful to keep. They did not account for them to the Company; but the same witness added, that the servants of the French Company always brought them to account as part of the revenue belonging to their employers. Perhaps, he said, the principal reason why the servants of our Company acted otherwise, was, that they were not allowed such fair and adequate income by the Company, as would enable them, in a short period, to make such a fair and competent fortune as they might expect; and they took those irregular methods, which were very prejudicial to the public service. A conversation arose upon this subject, in which the practice was reprobated from all sides of the House.

Mr. *Burke*, in particular, described the iniquities that were practised, the tyrannies that were indulged, and the abuses committed, all under the sanctity of these expiatory nazirs. He concluded, that the only proper method of putting an end to the practice was, to give the subordinate chiefs such an establishment as should give them a fair and honourable income, without those sinister practices.

Mr. *Courtenay*, in a strain of irony, applauded and preferred the conduct of the English chiefs to those of the French. The French, acting under the influence and terrors of a despotic monarchy, found their security to consist in a discharge of their duty. They were afraid of the Bastile; and did not dare to deviate, with bold and manly guilt, from the rules of honour and justice. But such was the happy temperament of the English constitution, and such the licence that it was calculated to inspire, that our servants were superior to the consideration of moral duties; and they, with daring minds, could fly from the puny restrictions of honour, and even divest themselves of the milky and feminine dictates of humanity. He applauded them for the confidence of their behaviour, first in taking the presents; then in applying them to their own use, instead of bringing them to account: and last of all, he rejoiced in the comfortable pre-eminence of the British constitution, to enable such men to come home with all their wealth; and instead of a Bastile, to hold their heads high; and honourably to maintain their fortune and character in the court of Chancery for 40 years together, against all the attacks that could be made upon them.—The Resolutions passed.

The learned lord then came to the eighth Resolution, which stated, that the Jaghire lands had been constantly let to the nabob of the Carnatic. This Resolution caused a deal of debate between sir T. Rumbold on the one part, and all the committee on the other. The hon. baronet contended for the propriety of his conduct, in regard to continuing the nabob in the possession of the Jaghire lands; and of letting them for a longer

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period than one year. On the other side Mr. Burke, general Smith, Mr. Macdonald, the Lord Advocate, and several other members, urged the impolicy and danger of suffering the nabob to rent these territories, which had the actual command of Madras, and which, under proper management, might be made so productive both of conveniences, strength, and revenue.—The Resolution passed.

The learned lord then read the 9th Resolution, which stated, that the nabob of the Carnatic was loaded with debt, that his troops were ill-paid, and that, in consequence thereof, several mutinies had taken place. Upon this Resolution sir T. Rumbold said, that the debts of the nabob were very considerable before he came into the government; and that he had taken every step which he possibly could for bringing them to some final settlement. Mr. Burke and other gentlemen described, in strong colours, the whole of the system that had been pursued by the presidency of Fort St. George with regard to the nabob, by which the affairs of the Carnatic had been brought into such confusion.—The motion passed.

The learned lord then came to the Tanjore country, which made the subject of the two next Resolutions, and described this country to be the garden of the universe, the seat where Providence seemed to have lavished its peculiar bounties; this fine country was absolutely ruined, and the king, a man of an ancient and most honourable descent, had been treated with unheard-of hardship. The nabob of Arcot made pretensions to the Tanjore country; and he was most scandalously listened to by the servants of the Company. The treatment of the king of Tanjore became a subject of general conversation, and it was reprobated by every gentleman who spoke, except sir T. Rumbold, who contended that he was justified in all that he did by the orders received both from the directors and from the supreme council of Bengal, orders which he durst not disobey. Mr. Gregory, general Smith, Mr. Macdonald, Mr. Burke, Mr. Courtenay, and the Lord Advocate, all declared in most liberal terms that this suffering prince must be taken under the protection of parliament; that his treatment had been base and infamous; and that he must be secured in the possession of his country against all the unjust and absurd claims of the nabob of Arcot to dispossess him. In this conversation Mr. Burke said, that by and by it would be made apparent to the House, that in order to make members of that House a party to the nabob in this business, a design had been framed to bribe the representative body of the whole nation with 700,000*l.* The two Resolutions were agreed to, and as they were now come to those Resolutions which sir T. Rumbold had particularly desired to be postponed, the Lord Advocate moved to leave the chair and report progress; which was agreed to.

April 24. The House being in a committee on the Reports from the Select Committee, appointed to enquire into the Bengal judicature, &c.

General *Smith* said, he believed it was not necessary for him to make any preface to the first Resolution he intended to move, as it must be clear to every gentleman in the House; he therefore moved, "That it appears to this committee, that it is the duty of the chairman and directors of the East India Company to transmit, with all convenient speed, and by all fitting ways and means, to India, all acts of parliament relative to the Company's affairs, and the ordering and governing their servants within the limits of their charter: and to take such steps as may be most conducive towards effecting the purposes of the legislature, for the relief of natives." The motion passed without any debate; upon which the general informed the committee, that the next Resolution was of a very serious nature, it was of no less consequence, than the censure of an act of the chairman of the India Company, by which the sole intent of parliament had been frustrated, and three unhappy judges had been detained in Calcutta; he therefore moved, "That Lawrence Sullivan, esq. chairman of the East India Company, did cause to be made an entry in the minutes of the court of directors, containing an untrue account of a conference held with certain members of the House on the 27th day of June last; by means whereof the provision, which according to an engagement entered into by him on his own part, and on behalf of the court of directors, for the relief of certain natives confined in the common gaol of Calcutta, appears to have been unnecessarily and dangerously delayed."

This motion was warmly supported by general Smith, Mr. Powys, Mr. Burke, sir Gilbert Elliot and others, who proved

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to the committee that the entry on the Journals of the India House was wrong in every respect; that the Journal stated Mr. Burke to be present, which was untrue: that in short the whole of the conference was misstated, and that it must have been from design, as the steps taken by Mr. Sullivan were directly contrary to what they ought to have been, as laid down by parliament; and it was very extraordinary that Mr. Sullivan should now apply to parliament, and pretend to remember what he could not recollect at the time of the transaction. Mr. Dempster, Mr. Burton, Mr. Alderman Townsend, Mr. Rouse, and Mr. Pulteney, defended Mr. Sullivan, on the idea that it might have been an error of the secretary, and that it could not have been done intentionally; they likewise excused Mr. Sullivan as an old man, and one whose memory might have deceived him; and declared that they believed he thought there had been two conferences, when he spoke as he did respecting the conferences alluded to. The petition of Mr. Sullivan, which had been presented by Mr. Dempster, against the Resolutions, was read. Mr. Hussey wished to amend the motion, by adding after the words Laurence Sullivan, esq. chairman of the India Company, "or his secretary, by means of negligence and inattention." Sir Adam Fergusson proposed to amend the motion, by leaving out Mr. Sullivan's name, and letting the motion run, "That an untrue entry had been made," which amendment appeared to Mr. Hussey to be better than his own, upon which he withdrew his. Mr. Secretary Fox put an end to the dispute, by stating that Mr. Sullivan had, when called on, acknowledged the entry to be by his desire; and on being asked whether the entry was as he ordered it, he replied in the affirmative, which undoubtedly stamped the transaction his own, therefore it was folly to endeavour to exculpate him from the charge; and with respect to his defence, he had much better defer it until the House should proceed to inflict punishment on him. The committee divided whether the amendment should stand part of the question, when there appeared, Yeas 22; Noes 53. So the question was carried for the original motion, by a majority of 31.

General *Smith* then moved, "That the said Laurence Sullivan, esq. did not do what he might and ought to have done towards the early and effectual transmission of an act of parliament of the last session, intituled, "An Act to explain and amend so much of an Act, made in the 13th of his present Majesty, intituled, 'An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe,' as relates to the administration of justice in Bengal; and for the relief of certain persons imprisoned at Calcutta, in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying the governor-general and council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court," to India; by which delay the good purposes of the said Act, in regulating the judicature in Bengal, and in providing relief to individual natives, as well as the people at large, may be frustrated." This was carried without a division. The general then moved, "That the giving and enforcing oaths of secrecy, without authority of law, and without any exception to the case of examination by a competent legal authority, is an offence, and tends to the destruction of all judicial proceeding, and parliamentary enquiry;" which likewise passed without a division. He next moved, "That Laurence Sullivan, esq. having enforced the observance of an oath of secrecy of the above nature and effect upon Mr. Wilks, one of the secretaries or clerks of the East India Company, especially restraining him from giving information to a select committee of this House, has been guilty of a misdemeanor, and a breach of privilege of this House." Upon which a small debate ensued, wherein Mr. Pulteney, sir Adam Fergusson, Mr. Dempster, &c. spoke against the motion, defending Mr. Sullivan's conduct, on the idea, that the oath imposed did not prevent Mr. Wilks from giving his evidence. Mr. Burke and general Smith warmly supported the motion, declaring, that Mr. Wilks appeared before the committee in a very embarrassed state, and his answers, instead of being to the purpose, were generally, "I cannot speak to that, as it is inconsistent with my oath;" by which means the committee were deprived of the knowledge they wished to acquire, and the oath of secrecy was intended to prevent Mr. Sullivan's transactions from being known. This motion also passed without a division. The general then moved, "That the holding, by any judge of the Supreme Court at Fort William in

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Bengal, an office granted by, and tenable at the pleasure of, the servants of the East India Company, is against the good purposes and policy of the East India Act of the 13th year of his Majesty's reign, and tends to create a dependence in the said Supreme Court, upon those over whose actions that court was intended as a controul." This Resolution passed with very little debate; after which the general moved, "That all appointments of offices, of the aforesaid description, to any judge of the Supreme Court, ought to be held null and void, and that the directors of the East India Company should order the same to be in fact annulled and vacated accordingly," which likewise passed in the affirmative without a division. He then moved, "That Warren Hastings, esq. governor-general of Bengal, and sir Elijah Impey, knight, chief justice of the Supreme Court of Fort William, in Bengal, appear to have been concerned, the one in giving, the other in receiving, an office not agreeable to the true intent and meaning of the Act of the 13th of his present Majesty, intituled, "An Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe;" which unjustifiable transaction between them was attended with circumstances of evil tendency and example." This motion was opposed by Mr. Mansfield, Mr. Dempster, &c. on the ground that sir Elijah's acceptance of the place was not incompatible with the place of judge, held from the crown; and they insisted, there was no evidence before the committee that he had used the power he was invested with shamefully; but, on the contrary, the acceptance of the place was of service to the natives. Mr. Burke, general Smith, &c. strongly supported the motion, and urged to the committee, that the holding a place of great profit, entirely at the will of the governor, was incompatible, and destroyed the independence of a judge, which had been plainly seen by the oppression the natives had experienced from sir Elijah, who was sent out for their protection; but, by the arbitrary post he was fixed in by governor Hastings, he could oppress them, but could not, without incurring displeasure, grant them relief. This Resolution was likewise carried.

After which it was agreed to postpone the following, and move it in the House, instead of the committee, "That sir Elijah Impey, chief justice of the Supreme Court of Judicature, ought to be recalled, to answer for his conduct in the transaction aforesaid." The general then moved the two following Resolutions, which were agreed to without debate: "That the powers given to the governor-general and council of Bengal, by the East India Act of the 13th year of his Majesty's reign, ought to be more distinctly ascertained." "That it will be proper to reduce into one act the several acts of parliament made to regulate the East India Company, and further to explain and amend the same, and also to make new regulations and provisions to the same end."

The chairman then reported progress, and asked leave to sit again.

April 25. The House having resolved itself into a Committee of the whole House, to consider further of the several reports which have been made from the Committee of Secrecy, appointed in the last and this present session of parliament, relating to the Affairs of the East India Company,

The *Lord Advocate* apologized to the committee for the trouble he had given them in their former sittings, by the vast number of Resolutions he had moved, but he had the happiness to inform them, that he held in his hand the whole of the Resolutions he meant to move, and on Monday next it was his intention to communicate fairly to the committee, the plan which he meant to pursue, in regard to sir Thomas Rumbold, by which the hon. baronet would be fully apprized, and prepared for his defence. He then read the Resolutions, and laid them upon the table, and they were ordered to be printed along with the others.

Mr. *Rumbold* accounted for the absence of his hon. relation; and with very becoming and manly feeling said, he should feel the sting of the Resolutions which had been read much more deeply, if he was not in his heart and conscience assured of the honour and integrity of his hon. relation.

April 29. The order of the day being read for the House to resolve itself again into the said Committee, the Speaker acquainted sir T. Rumbold, that if he wished to lay the papers he had moved for, and which were delivered in by Mr. Holt, before the committee, that this was his time, as then the committee would be in full possession of the evidence.

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Sir *T. Rumbold* rose, and apologized for the trouble he gave the House, and for his not being present on Thursday last when a long string of Resolutions were delivered in by the clerk of the House, framed by the Lord Advocate, many of which went expressly to criminate him. He complained of its being an unfair method to print the Resolutions previous to their being discussed, as they would prejudice the minds of the people against him, whether they should be agreed to or not. He complained of being not treated fairly, nor agreeably to promise, and expressed a wish to make his defence in the early part of the business before the committee came to the Resolutions, and concluded by moving, That the papers laid on the table by him, and necessary for his defence, be referred to the same committee.

The *Lord Advocate* denied any unfair treatment on the business, and recapitulated the whole of the proceedings from the first origin of the committee. He stated, that the hon. baronet had, so far from being treated with severity, been indulged by having the report of the secret committee referred to a committee of the whole House, instead of having the report made to the House for their determination. The learned lord then informed the House, that he had, since Thursday last, made it his chief business to look into the Journals, and see what had uniformly been the custom of parliament respecting persons who stood in the predicament the hon. baronet did, and he had found numerous instances, viz. the South Sea affair, lord Macclesfield, the duke of Leeds, &c. &c. In all similar cases, except that of Dr. Sacheverell, a bill of pains and penalties had been the general mode observed, and parliament had taken care to secure the offenders' effects until the determination of the business was known. There had been others punished by impeachment, and some prosecuted by the Attorney General, but the steps he meant to pursue with the hon. baronet, were, first to move the Resolutions to the committee, next to have them reported; and on the House agreeing to the report, to move for leave to bring in a bill of pains and penalties, and a motion to restrain the hon. baronet from disposing of his effects, until the decision of the business was perfectly known. He must likewise object to the hon. baronet's motion respecting the papers being referred to the committee, as it would be perfectly inconsistent to mix the defence with the accusation; and in fact the hon. baronet could not make a defence until he was charged, for the Resolutions at present were to be sure strong facts against him, but nothing was yet decided on; and agreeable to parliamentary form, the proper time for his defence would be on the second reading of the Bill against him, when he would be allowed the free use of counsel, and every kind of evidence he thought proper to adduce.

Sir *T. Rumbold* objected to the mode of prosecution, as severe in the highest degree; the length of the Resolutions was such, that to read them properly, without any comment on each, would take up the business of the committee the whole evening. He was precluded from making any defence in that stage, in the next place the report was to be made to the House immediately, therefore he was shut out again there, and after the committee and House had agreed to the Resolutions, he must undoubtedly come before them in a strange manner, as he would be making a defence to men that had before pronounced him guilty, and must be prejudiced in their minds.

Mr. *Jenkinson* was of opinion that the printing the Resolutions before they were agreed to, was much in favour of the hon. baronet, as he had an opportunity of knowing what evidence was intended against him, and consequently could the better prepare his defence; but it was absurd for any man to think of making his defence until the charge was alledged against him. He agreed to the mode of procedure as laid down by the learned lord, and mentioned, that had it been done by impeachment, the hon. baronet could not have produced any evidence.

Mr. Secretary *Fox* perfectly agreed in the method proposed by the learned lord, and advised the hon. baronet to postpone his defence until he heard every thing that could be alledged against him; he undoubtedly had the privilege, as an individual member of parliament, to stand up in his place and object to each Resolution as proposed, and point out the errors, but was he to advise him as a counsel, he would wish him not to point out any blunder to the committee, but reserve the whole for his defence, as it would be a grand object in his favour, to shew that his accusers had not adhered to the truth in the Resolutions they had

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formed against him. With respect to the House being prejudiced against him, by having agreed to the Resolutions, he could only say, that he hoped the House would, when they came to sit in a judicial capacity, totally forget any prejudice they might have acquired whilst in their inquisitorial station; and it would not be inconsistent for the House to agree to the Resolutions against him in their inquisitorial capacity, and afterwards, when he came to throw fresh light on the evidence by his defence, for them in a judicial capacity to alter their opinion. With respect to his character suffering by the Resolutions being printed, so far from it, he would, if he proved his innocence, appear much fairer, as it would be seen that a strong charge had been alledged against him, and that his accusers had not been able to make good their assertions, which would be much to his honour.

Mr. *Burke* stated to the House, that the hon. baronet's charge of the business being carried on hastily was not true, it had been upwards of twelve months in agitation, and many of the crimes alledged against the hon. baronet originated full four years ago, and the question now was shortly, whether we would lose India through a mistaken humanity to the persons who had been the authors of our misfortunes, or save India, and 15 millions of people, by properly punishing those that had so materially misbehaved.

Sir *T. Rumbold* said, as government had for a certain sum delegated their power in the administration of justice in India to the Company, of which he was a servant, it struck him that the India Company, and not the House of Commons, had a power of punishing him, for his conduct, if he had behaved amiss. He was then proceeding to point out errors in the Resolutions, upon which

Mr. *Rigby* rose, and spoke to order; he said the Resolutions were not before the House, and as the hon. baronet was to make his defence on the second reading of the Bill, he had better defer the whole of his evidence until then.

Mr. *Montagu* said, the mode of procedure, as laid down by the learned lord, was perfectly consistent with reason and justice; for the House, in their inquisitorial capacity, resembled a grand jury finding a bill, and afterwards, in their judicial capacity, they would admit the person against whom the bill was found to make his defence.

Sir Thomas Rumbold withdrew his motion; after which the Speaker left the chair, and the House went into a committee, and agreed to the Resolutions which the Lord Advocate had read before respecting the presidency of Fort St. George, and the conduct of sir T. Rumbold, &c. and the report being made by sir George Howard to the House, was agreed to.

The following is a copy of the Resolutions of the Committee which were agreed to by the House:

RESOLUTIONS respecting the government of the Presidency of Fort St. George.

Resolved, 1. "That in a period of twelve years, viz. from the year 1767 to the year 1779, inclusive, the surplus net revenues of the East India Company, under the presidency of Fort St. George, above the civil and military charges, and the expences of buildings and fortifications, have never, except in one year, been equal to the purchase of the investment for Europe.

2. "That in the two first and two last years of the said period of twelve years, within the former of which the first war with Hyder Ally happened, and within the latter the expeditions to Pondicherry and Mahé, those charges and expences exceeded the net revenues in 941,781*l.* upon the whole four years.

3. "That the average net surplus revenues under the presidency of Fort St. George, for each of the eight years, from the year 1769 to the year 1777, during which the Company was at no expence on account of war, was not equal to the purchase of one half of the investment for Europe, calculated upon an average of the seven years from 1771 to 1778.

4. "That upon the whole period from 1767 to 1779, including the four years of war above-mentioned, the revenues under the presidency of Fort St. George, exclusive of their commercial receipts, have exceeded the charges in no more than 51,961*l.*

5. "That the balances due by the zemindars, and by the renters of the Company's lands in the northern circars have very much increased of late; and that the zemindars are in general much distressed, and involved in large debts.

6. "That, besides the tribute payable to the Company, it has been the practice for the chiefs of the subordinate settlements to receive from the zemindars certain

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large sums of money, under the name of nazir, or free gift.

7. "That these nazirs, or free gifts, which are arbitrary, and bear no certain proportion to the tribute, have not, since the acquisition of the circars, been accounted for to the Company, but have been taken by the chiefs, as a perquisite of their station.

8. "That the Jaghire lands, with the district of Poonamallee, being almost the whole of the territory contiguous to Fort St. George, have been uniformly let to the nabob of the Carnatic.

9. "That the nabob is loaded with heavy debts, both to the Company and to individuals: that his troops are ill paid, and have deserted in great numbers, and frequently broke out into dangerous mutinies on that account.

10. "That the revenues of Tanjore are greatly diminished, and the country itself much on the decline.

11. "That besides what may be imputed to bad administration, one cause of that decline has been an opinion prevailing in the country, that the rajah's government would not be of long continuance, and that another revolution was approaching.

12. "That before and at the time of the irruption of Hyder Ally into the Carnatic in the month of July, 1780, a proper state of military preparations, to resist such an enemy, had been altogether neglected by the government of Fort St. George, as well in respect to the disposition of their troops, amounting at that time to 37,795 men, as to the condition of their forts and garrisons.

13. "That the president and majority of the select committee of Fort St. George are greatly responsible to the Company and to the nation for the misfortunes which ensued, in not having paid a proper attention to those points, and particularly to the warning and advice of Mr. Smith, on the 10th of November 1779; of Messrs. Smith and Johnson on the 19th of June, and of Mr. Smith on the 19th July 1780.

14. "That after their knowledge of the invasion and progress of Hyder Ally, the president and majority of the select committee, were still remiss and indecisive in advancing the necessary preparations to oppose him; and that by their introduction of Mr. Davidson into the committee, they took upon themselves, in a more direct manner, the responsibility of every measure.

15. "That the nabob of Arcot declared himself utterly incapable of contributing any accession to the force of the presidency, in men, money, or influence, in that exigency of their common interests; and that he chiefly attributed this inability to the weight of his debts, and the loss of the Tanjore country.

16. "That the rajah of Tanjore was not found in a more capable condition to furnish any extraordinary supplies; and that he attributed this inability on his part to the sufferings which this country an the inhabitants had endured under the oppressive government of the nabob.

17. "That the president and select committee of Fort St. George, received very early and repeated intelligence, during the government of sir Thomas Rumbold and Mr. Whitehill, of Hyder Ally's intention to invade the Carnatic; and that, in their consultations on that subject, the necessity of making preparations for defence were frequently resolved upon; but it does not appear that these resolutions were carried into execution.

18. "That the president and select committee of Fort St. George sent considerable detachments of the forces on their establishment, at the requisition of the superior council, and conformable to the advice of sir Eyre Coote, to the Malabar coast, notwithstanding the apprehensions which they at the same time intimated of the hostile designs of Hyder Ally and the Nizam.

19. "That representations were at several times made by the presidency of Madras, of the want of resources, of the uncertainty of their dependance on the nabob of Arcot, under the present system, for the defence of the Carnatic, and of the necessity of a peace with the Mahrattas, to prevent the attacks of Hyder Ally, or to enable them to repel them; but it does not appear that, in consequence of these representations, any considerable supply of treasure was granted to the presidency of Madras, as a fund for the exigencies of war.

20. "That there is an indispensable necessity of establishing some new and effectual regulations, in regard to the revenues, and debts, and to the military establishment, in the service or pay of the nabob of Arcot, for the more certain protection of his own possessions, and those of the Company in the Carnatic; because it is evident, that the success of Hyder Ally must be attributed, as well to the great defects in those parti-

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culars, as to the omission of timely precautions, and to the subsequent dilatoriness and indecision of the president and majority of the select committee of Fort St. George.

21. "That a similar method of regulation ought to be adopted, in regard to the revenues and debts, and to the military establishment, kept up at the expence of the king of Tanjore.

22. "That any attempt to seize upon the revenues of the kingdom of Tanjore, and to confiscate the same for the purposes of the nabob, or of the East India Company, is contrary to the public faith, and tends to the oppression and ruin of the country.

23. "That the indeterminate rights and pretensions of the nabob of Arcot and the rajah of Tanjore, with respect to each other, should be ascertained and settled upon a footing of justice and perpetuity, according to the arrangement carried into execution during the government of lord Pigot, that an insuperable barrier may for the future be fixed between the hopes and fears of those two powers, under the protection of the Company, as the firm and impartial guarantee of their prescribed dominions and dependencies.

24. "That some wise and immediate steps should be taken, to ascertain the just value of the jaghire and other lands belonging to the Company, and to fix upon such a certain and permanent method of establishing the nature and amount of the rents, and the rights and titles of the tributaries and renters, especially by the abolition of all arbitrary nazirs or free gifts, as may conduce not only to the profits and influence of the East India Company in those parts, but to the present relief and future security of their dependants, particularly the natives of every degree.

25. "That in ascertaining the debts of the nabob of Arcot, and of the rajah of Tanjore, with a view to their liquidation and discharge, all just distinctions ought to be made between the claims of the different creditors; and that in all these proceedings and regulations, the chief object of attention should be directed to the discovery and punishment of peculation by any of the Company's servants, and, above all, to the more entire prevention of it in future."

Resolutions respecting Sir Thos. Rumbold.

Resolved, 1. "That sir Thomas Rumbold, bart. then a director of the East-India Company, was, on the 11th day of June 1777, duly appointed to take upon him the office of second in council at the settlement of Fort St. George, on the coast of Coromandel; and that sir Hector Munro, John Whitehill, Charles Smith, Peter Perring, and Samuel Johnson, were also appointed permanent members of that council; and that the said sir Thomas Rumbold was appointed to take upon him the government of the said settlement by a general letter dated the 11th of June 1777, upon the return of lord Pigot, which was directed to take place one week after the dispatch of the first ship from Madras to England after the receipt of the said letter; and that he did accordingly take upon him the office of governor and president on the 8th Feb. 1778, at Fort St. George.

2. "That the said sir T. Rumbold, on the 27th of June 1777, John Whitehill, esq. on the 12th of June 1777, and Peter Perring, esq. on the 2d of June 1777, did respectively enter into covenants with the East-India Company, binding and obliging themselves not to carry on any traffic or commerce for their own benefit, excepting in the disposal of such goods as they might have remaining on hand, and the collecting and getting in of such debts as might be owing to them in respect of trade carried on antecedent to their entering upon their several offices; and that they should, respectively, within thirty days thereafter, deliver in to the council of the presidency at the council board, a full and just specification, upon oath, of the debts due to them respectively, in the course of trade or commerce theretofore carried on, and of the wares and merchandize on hand, and to dispose of them within the space of nine months; and that they should not lend money to any of the country powers, by way of mortgage on land or crops; and also, that they should, respectively, within thirty days next after their taking upon them their respective offices, deliver to the council, on oath, a specific account of all such loans, if any, as at that time they should respectively be concerned in; and that the said sir T. Rumbold covenanted to accept of 40,000 pagodas per ann. the use of the fort-house and plate, and the commission on the coral, in consideration of his being appointed governor and president; and that John Whitehill and Peter Perring, esqrs. respectively covenanted to accept of 16,000 pagodas per ann. each, in consequence of their appointments as counsellors.

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3. " That the records of the East-India Company, transmitted from Fort St. George, do not contain any specification by sir T. Rumbold of goods on hand, debts due, or loans made before his taking upon him the offices of governor and president.

4. " That sir T. Rumbold did, between the 8th day of February, 1778 (being the day of his arrival at Madras), and the beginning of August, in the same year, remit the following sums by the Company's ships to China, viz.

By the Latham, 50,000 pagodas, equal to 20,000*l.*

By the Hillsborough, 50,000 pagodas, equal to 20,000*l.*

By the Royal George, 39,000 pagodas, equal to 13,000*l.*; and that part of the latter sum, amounting to 12,000*l.* is alleged, by sir T. Rumbold, to have belonged to sir Hector Munro, of which several sums no entry or delivery is to be found in the boatswains' books of the three ships above-mentioned, by which the Company might be apprized of such remittances having been made; and that the farther sum of 20,000 dollars, equal to 5,000*l.* was remitted by the Sea-Horse man of war in 1779, the whole amounting, exclusive of sir Hector Munro's share, to 46,000*l.*

5. " That sir T. Rumbold, bart. did remit to John Stables, Robert Mackreth, and Thomas Raikes, esqrs. several other sums of money by bills and bonds, all bearing date during the government of the said sir T. Rumbold, bart. amounting to about 160,000*l.* (including the abovementioned sum of 46,000*l.*), which remittance is alleged, by sir T. Rumbold, to have been the produce of his effects formerly acquired in Bengal, and which amounted, exclusive of interest, to the principal sum of 10,50,879 rupees, equal to about 106,000*l.* in the close of the year 1772, and had there remained, bearing interest till the time of his arrival at Fort St. George.

6. " That in April, 1775, the court of directors of the East-India Company sent out written orders to the presidency of Fort St. George, to appoint a committee of five members of their council (which then consisted of nineteen), to be a committee for the purpose of investigating upon the spot many essential points respecting the five northern circars, and the jaghire lands contiguous to Madras; which would tend to furnish the East India Company at home, and their servants abroad, with a knowledge of the most important facts on which the settlement of the tribute to be paid by the zemindars, and the rent to be paid by the renters of the Company's demesne land, ought to be adjusted; and also for the better regulation of the police and government of those districts, with a particular view to preventing extortion and the oppression of the lower classes of the native inhabitants.

7. " That in conformity to the orders of the court of directors, a committee of five members of council was appointed, but were prevented from proceeding in the discharge of their duty by the confusions which took place during the government of lord Pigot; and that, at the conclusion of his government in the month of August, 1776, the succeeding governor and council deviating from the letter of the Company's orders, by reason of the reduction of the number of counsellors, preserved the spirit of them, and appointed three of the Company's servants near to the rank of counsellors, in conjunction with two members of the board, to fulfil the Company's orders, and gave them written instructions in exact conformity to the Company's orders of the 12th of April, 1775.

8. " That a letter was written by the governor and council of Fort St. George, dated the 21st of September, 1776, acquainting the court of directors with the necessary deviations from the letter of their orders, which was read before the board of directors on the 2d of April, 1777, whilst sir T. Rumbold was a member of that board; and that such deviation was not then, or at any subsequent time, objected to.

9. " That in January, 1777, a competent number of the committee of circuit began to carry the Company's orders into execution; and that, in December following, notwithstanding some impediments which had arisen, the presidency determined on the vigorous prosecution of that business, and proceeded to fill up the vacancies which had happened in the committee from among the servants of the Company inferior to the council; which became necessary from the state of the council at that period; and that the committee, so constituted, continued their investigations until soon after the arrival of sir T. Rumbold at Madras, on the 8th of February, 1778.

10. " That sir T. Rumbold, having arrived at Madras on the 8th of February,

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1778, did, on the 24th of March, move the council to discontinue the committee of circuit, and to order the zemindars of the northern circars to repair to Madras, and there to settle their annual tribute; Madras being situated at the distance of about 550 miles from Vizagapatam, a place nearly in the centre of the circars, and Ganjam, the northern extremity, being distant about 720 miles; and that the measure of abolishing the committee of circuit was instantly acceded to by the council, without substituting any other mode of executing the Company's orders in its place, although Messrs. Whitehill, Smith, Johnson, and Perring, had in December preceding expressed their sense of its utility, and had therefore filled up the vacancies which had happened in that committee.

11. "That sir T. Rumbold and the council of Fort St. George, in dissolving the committee of circuit of the jaghire lands and northern circars, disregarded the spirit of the orders of the East-India Company, and acted in direct opposition to some of its most valuable and essential interests; that the declared object of the Company's instructions still remains unattained, and the East-India Company still unpossessed of the desired information; and that such misconduct is chiefly to be imputed to the influence of sir T. Rumbold.

12. "That the calling down of the zemindars to Madras was remonstrated against from the East India Company's three subordinate councils of Masulipatam, Ganjam, and Vizagapatam; who stated as their objections to the measure, that it would impede the collection of the Company's revenues, already much in arrear, and would distress the zemindars, who were both averse to the journey, and ill able to support the expence of it; but that notwithstanding this, sir T. Rumbold, and the majority of his council, persevered in the measure, and, by repeating their orders, enforced obedience to them; and that, notwithstanding these remonstrances, accompanied with complaints from the zemindars themselves, several of them were brought down and detained at Madras for many months, and that Visieram Rauze in particular was detained till the month of December, 1778, and that Sitteram Rauze remained there from November, 1777, to December, 1778.

13. "That whilst the zemindars were at the presidency, the treaties for their respective cowles (or leases) were carried on by sir Thomas Rumbold only; and that the grounds of such treaties were in no instance laid before the council or select committee collectively, so that the East India Company might have the means of forming a judgment upon them, with respect to their duration, or the propriety of the tribute or rents reserved.

14. "That the governor and majority of the council of Fort St. George did, by menaces and harsh treatment, compel Visieram Rauze, the rajah of Visianagrum, to employ Sitteram Rauze as the duan or manager of his zemindary, in the room of Jaggernaut, a man of probity and good character; and did also compel him to a reconciliation with the said Sitteram Rauze, who appears, by the former proceedings on the records of the settlement, to have been a man of bad reputation, and disaffected to the Company's interests; and that sir T. Rumbold was the chief promoter and adviser of the harsh and unmerited treatment of the rajah, and that he was supported in it by Mr. Whitehill and Mr. Perring.

15. "That the compulsive menaces made use of towards the rajah Visieram Rauze, and the gross ill treatment which he received at the presidency, were humiliating, unjust, and cruel in themselves, and highly derogatory to the interests of the East India Company, and to the honour of the British nation.

16. "That about a month after the arrival of sir T. Rumbold, the chief and council of Vizagapatam represented, by a letter of the 11th of March, 1778, which was read at the board on the 10th of April following, that they were possessed of undeniable proof, that 130,000 rupees had been remitted to Sitteram Rauze, then at Madras; that a farther sum of 70,000 rupees was negociating on his account; and that great oppression of the inhabitants of this district had been used in order to raise the sums above-mentioned.

17. "That Sitteram Rauze contracted by bond to pay Mr. Redhead, then private secretary to sir T. Rumbold, one lack of rupees; the consideration of which was, that Mr. Redhead should use his influence in obtaining for him the duanship of Visianagrum, a reconciliation with his brother, a confirmation of the adoption of his son by Visieram Rauze, the possession of the zemindary of Ancapilly, and the restoration of the Fort of Visianagrum; all

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of which were obtained from the governor and council; and that notwithstanding the discovery of this corruption, by means of a judicial appeal to themselves, the governor and council did not take any notice of it in their correspondence with the court of directors.

18. "That from a codicil annexed to Mr. Redhead's will, that Omeir-ul-Omrah had an order from his father to pay him the sum of one lack of rupees.

19. "That Anthony Sadlier, esq. late chief of Masulipatam, and now one of the council of Fort St. George, did, by a letter to sir T. Rumbold, dated the 5th of May, 1778, inform him of various gratuities, amounting to very large sums, stipulated for and in part received by three of the Company's servants, namely, Mr. Whitehill, Mr. Floyer, and Mr. Craufurd, who had preceded Mr. Sadlier in the chiefship of Masulipatam, and, in proof thereof, inclosed the translation of a written account of the particulars, the original of which had been delivered to Mr. Sadlier, on his succeeding to the chiefship, by the Company's dubash, or chief interpreter; and that sir T. Rumbold did not, in his answer to an accompanying letter of the same date, take any notice whatsoever of the dubash's account, nor did he, as far as appears by the evidence before this committee, even communicate the same to the council at Fort St. George, or the court of directors.

20. "That sir T. Rumbold, in thus suppressing Mr. Sadlier's information of the peculation of the East India Company's servants at Masulipatam, both from the council of Madras, and from the court of directors, greatly failed in his duty as president and governor of Fort St. George; and also acted in direct breach of that part of his written covenants with the East India Company, by which he expressly engaged with all convenient speed to give notice to the court of directors of all deceits, abuses, and breaches of order, which he should know, hear of, or suspect, with the names of the offending parties; and that, by such suppression and concealment, he, the said sir T. Rumbold, was guilty of a great breach of the trust reposed in him.

21. "That by a letter of instruction, dated the 12th of April, 1775, which ordered the establishment of a committee of circuit of the jaghire lands and the northern circars, the court of directors expressed their sense of the good consequences which would result from taking the jaghire lands into the Company's immediate possession, and that the nabob should in no case rent them without agreeing to such arrangements as the Company should deem necessary; to which order it was added, that the governor and council might agree with the nabob for a lease of one year only.

22. "That by a revenue letter from Fort St. George to the court of directors, dated the 5th of February, 1778, being only three days previous to sir T. Rumbold's arrival at Madras, the then president and council of Fort St. George informed the Company of their having continued the lease of the Jaghire lands, in conformity to their repeated instructions, for the current year only; but apologized for the measure, as doubting whether the Company might not expect to have those lands taken into their own immediate possession, and therefore desired to have express directions upon that subject.

23. "That sir T. Rumbold, in a minute delivered by him to the council at Fort St. George, the 20th of July, 1778, observed, that this valuable possession of the Company was shamefully neglected and oppressed by those employed by the nabob in his collections; and added a recommendation to advertise the letting them from three to five years, to avoid the destructive system of letting them from year to year; that they were accordingly advertised for three, five, and ten years, on the 4th of September, 1778, and that various proposals were sent by private persons to the Board.

24. "That in consequence of a letter from the nabob of Arcot to sir T. Rumbold, dated the 9th of September, 1778, the select committee on the 5th of October came to a resolution, which was strongly recommended by sir T. Rumbold, to grant to the nabob a lease of the Jaghire lands for a period of three years.

25. "That thus granting a lease of the Jaghire lands to the nabob for three years, was in direct disobedience to the repeated positive orders of the East India Company, and contrary to the practice which before the administration of sir T. Rumbold had uniformly prevailed at Madras in consequence of those orders: and that this disobedience is highly aggravated by the cogent reasons of convenience to the Company and of public policy, which were known to be the chief grounds of restraining the lease of those lands to the nabob to one

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year only; and that sir Thomas Rumbold, baronet, as the principal adviser and promoter of this measure, and John Whitehill, Charles Smith, Samuel Johnson, and Peter Perring, esqrs. who concurred in it, are severally guilty of a great breach of trust, and of a high crime and misdemeanor.

26. "That by several treaties entered into by the East India Company with the nizam of the Decan, in 1766 and 1768, it was expressly stipulated, as a condition of his confirming the cession of the northern Circars, that the Guntoor Circar should continue to be possessed by Bazalet Jung during his life, or until it were his highness's pleasure that the Company should take possession of it.

27. "That in the month of April, 1779, a treaty was entered into by sir T. Rumbold, bart. with Bazalet Jung, for the immediate possession of the Guntoor Circar, without the consent or knowledge of the nizam; and that, in consequence of such treaty, a military force, under the command of colonel Harpur, was ordered to attempt a march to Adoni, the capital of Bazalet Jung's other territories, through a part of the dominions of Hyder Ally Cawn, without his permission.

28. "That on the 22d of February, 1779, the governor and council of Fort St. George acquainted Mr. Hollond, their minister at the nizam's court, with the steps they had taken respecting the Guntoor Circar: who, by a letter, dated the 17th of May, informed sir T. Rumbold, that the nizam was thereby offended in a very high degree; but that such letter was never entered on the Company's records at Fort St. George, although sir T. Rumbold acknowledged the receipt of it on the 10th of June, 1779.

29. "That on the 4th of October, 1779, sir Thomas Rumbold laid before the select committee of Fort St. George a letter from the nabob of Arcot, bearing date the 19th of September preceding, requesting to have a lease of the Guntoor Circar for the space of ten years; which was carried by the votes of sir T. Rumbold, sir Hector Munro, and Mr. Whitehill, although Mr. Smith desired time only till the next committee should assemble, in order to form his judgment upon a point of such magnitude and importance.

30. "That sir T. Rumbold, bart. in treating with Bazalet Jung without the participation of the nizam, in marching troops into the country of Hyder Ally Cawn without having obtained his consent, and in granting a ten years lease of the Guntoor Circar to the nabob of Arcot, disregarded the true interest of the Company, by a gross breach of solemn treaties with the nizam, stained the national honour, and was thereby guilty of a high crime and misdemeanour.

31. "That on the 12th of June, 1780, the supreme council positively ordered the immediate restoration of the Guntoor Circar to Bazalet Jung; but that such restoration was by Mr. Whitehill, then governor, and the select committee of Fort St. George, deferred on frivolous pretences till the 23rd of September, subsequent to the irruption of Hyder Ally Cawn, which occasioned the suspension of Mr. Whitehill from the government, by authority of the supreme council.

32. "That John Whitehill, esq. in two several minutes, entered by him, of record the 7th and 8th of November, 1780, on the subject of his suspension, disputed the authority of the supreme council, derived from an act of the legislature, and otherwise conducted himself with great disregard to legal subordination; and that he declared, in a minute addressed to sir Eyre Coote, that should he be disinclined to submit, and force were used to drive him from his honourable station, it would be a subversion of government, and that it would depend on his prudence and discretion, if he should not give birth to the horrors of civil war in the settlement, in a moment when unanimity and co-operation were essentially necessary to the preservation of the Carnatic, and the safety of Madras.

33. "That John Whitehill, esq. by not paying immediate and implicit obedience to the orders of the supreme council, and by his intemperate and contumacious conduct on the 7th and 8th of November, 1780, held out an alarming example of disobedience to the orders of his lawful superiors, and of disrespect to the acts of the British legislature; and was thereby guilty of a high crime and misdemeanour, aggravated by his representing it as an act of forbearance in himself, if he should not involve the settlement in the horrors of a civil war.

34. "That according to the express terms of the treaty of 1768, between the nizam of the Decan and the East India Company, confirming the cession of the five northern circars, a tribute of five lacks of rupees was payable to the nizam of the Decan.

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35. "That by a letter written by the select committee of Fort St. George to the government-general, dated the 7th of February, 1779, acquainting them with Mr. Hollond's mission to the court of the nizam, they expressed a strong conviction of the hostile inclinations of that prince towards the British interests; and that in their instructions to Mr. Hollond they enjoin him to conciliate the nizam's mind, and to remove any doubts respecting the future regular payment of the tribute or peshcush payable to him, and to communicate every necessary intelligence as early as possible to the supreme council as well as to themselves.

36. "That on the 10th of June, 1779, when sir T. Rumbold had been informed of the nizam's resentment against the government of Fort St. George, on account of the treaty with Bazalet Jung, by Mr. Hollond's letter of the 17th of May, he proposed to the council, that Mr. Hollond should be additionally instructed to propose to the nizam the withholding of the tribute due to him by solemn treaty; and that the committee immediately acquiesced.

37. "That by a letter from Mr. Hollond, dated the 26th of June, 1779, the president and select committee were informed, that the nizam, upon the bare mention of withholding his peshcush, was greatly agitated, reproached them with flagrant breach of treaty, threatened to join Hyder Ally Cawn, and to order his troops to march against colonel Harpur.

38. "That the government-general highly disapproved of this offensive and unjust proceeding, when made acquainted with it by Mr. Hollond's transmitting all his correspondence and papers on the subject to Calcutta, on the 9th of May, 1779; and that they wrote a letter to the nizam, the 1st of November, 1779, well calculated to quiet his apprehensions on this subject, which had given him the greatest alarm.

39. "That the governor-general and council, by letter dated the 4th of November, 1779, addressed to the president and select committee of Fort St. George, represented in terms of propriety and moderation the evil tendency of their conduct towards the nizam of the Decan; and that on the 5th of January, 1780, the said president and select committee returned an answer to the supreme council, referring to an inclosed minute which had been entered by sir T. Rumbold, in which they expressed surprise at the supreme government's assuming a right to interfere, controverted the power of that government to exercise any controuling authority in such a case, and acquainted them with sir T. Rumbold's having moved for the recall of Mr. Hollond.

40. "That the attempt made to withhold the tribute due to the nizam at a time when sir Thomas Rumbold was personally apprised of that prince's particular resentment, in consequence of the transaction respecting the Guntoor Circar, by Mr. Hollond's unrecorded letter of the 17th of May, and when the council in general was aware of his unfriendly disposition towards the Company's interests, was unjust and impolitic, greatly inflamed the nizam's resentments, tended to extinguish his confidence in British honour, and to impress the powers of India with a distrust of the good faith of the nation; and that sir T. Rumbold was thereby guilty of a high crime and misdemeanor.

41. "That the governor-general and council deemed it expedient, on the 14th of February, 1780, to appoint Mr. Hollond their resident at the nizam's court, as the person most proper to recover the good-will of that prince; and that they applied to the president and select committee of Fort St. George for their permission that he might remain there in that capacity, which was refused; and that Mr. Hollond was suspended from his rank in the Company's service at the recommendation of sir T. Rumbold, on the eve of his departure from Fort St. George; and that this recommendation was carried into execution by John Whitehill, esq. and the council; and that Mr. Hollond's official communication with the supreme council of Bengal was a principal ground relied on by sir T. Rumbold for such recommendation, although Mr. Hollond had been expressly enjoined by his instructions to be punctual and early in such communication.

42. "That the refusal of the select committee of Fort St. George to permit Mr. Hollond to continue as resident from the supreme council at Hydrabad was derogatory to the true interests of the Company, tended to manifest in the eyes of the nizam a jealousy and disagreement between the two presidencies, and to lessen in his opinion the respect due to the supreme authority in India; and that the suspension of Mr. Hollond was an unjust and unwarrantable act of power; and

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that sir T. Rumbold and John Whitehill, esq. were in these instances respectively guilty of a great disregard of the interests of the Company and the nation."

Debate in the Commons on the Contractors' Bill.] April 12. In a committee on the Bill "for restraining any person, being a member of the House of Commons, from being concerned himself, or any person in trust for him, in any contract made by the commissioners of his Majesty's Treasury, the commissioners of the Navy, the board of Ordnance, or by any other person or persons for the public service, unless the said contract shall be made at a public bidding,"

Earl *Nugent* rose to oppose the clause by which contractors, being members of that House, should be incapacitated from sitting and voting in it, after the end of the present session of parliament. His lordship declared upon his honour, that his opposition did not arise from any dislike whatever to the present ministers who patronised the Bill; that ministry, which enjoyed at once the confidence of the crown, and the approbation of the people, was the fittest for the present crisis, when he believed in his conscience, that by such a ministry alone, the country could be saved. The principle of his opposition was this, that he would not narrow the rights of electors in this kingdom, by diminishing the numbers of those who were capable of being elected: but exclusive of this, he had another objection to the clause; it was to take effect at the end of the present session: he had opposed this Bill before, when it came in a much less questionable shape than at present, and therefore he would oppose it now, as well from consistency, as from a principle of justice. In every man returned to serve in parliament, there was an inherent right to serve out to the full extent and duration of that parliament; and the clause in question, was about to destroy that right by taking away the seat at the end of the present session. If a Bill for disqualifying contractors from sitting in that House was at all necessary, let its operation begin at the end of the parliament; and then no injustice would be done to them; the trust delegated to them by their constituents would then expire; there was no inherent right in them to be re-elected. In all former place and pension Bills, the disqualification did not commence till the dissolution of the parliament that passed them; he never, indeed, knew that any one of them had ever done any good; for such Bills in general tended only to make corruption more circumspect and secret; but useless as all these Bills had been, they were not so unjust as to deprive any man of a seat to which he had been actually elected; they went to render men under certain descriptions, ineligible in future. Let them vacate the contract, not the seat; and then they would act strictly within the rules and practice of parliament. Popularity was a thing that men in general ran after; and when well earned, was, no doubt, a most agreeable thing, but popularity sometimes attended measures which the people at large did not really approve; the temperate, calm, and steady voice of the people, resulting from judgment, was truly the voice of God; but the voice of people groaning under the weight of taxes, and speaking under the burden, was not the voice of God or of the people; it was the voice of faction; the voice of the day. Such popularity was not worth courting. His lordship concluded by moving this amendment, that instead of the words, "shall be disqualified from sitting or voting in parliament from the end of the present session," the clause should run thus, "from the end of the present parliament."

Mr. *Burke* opposed the amendment. The noble lord, he said, had distinguished two kinds of voices in the nation; the one cool and temperate, resulting from judgment; the other from a sense of their distresses: the former might be heard from parliament, from judges and magistrates; but from the bulk of the nation it never had been heard; the people never spoke till they felt; it was pinching distress that always opened their mouths; and to a voice so extorted, a wise administration would always listen, as to the voice of God: as to the injustice supposed by the noble lord to be done to the disqualified individuals, it did not appear to him: for they had an option either to retain their political rights, and sit in parliament; or their professional and commercial rights by pursuing their trade, and supplying government as usual: but if it could be called injustice to them, it was strict justice to the public, for parliament to separate two sorts of rights, when they were found to be incompatible: this appeared to be nearly the case at present; for it was believed by many, that a good member of parliament could not be a con-

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tractor. This being stated, he would inform the House, that they were treading in the footsteps of their ancestors, whose uniform and invariable rule it was to disqualify persons from sitting in that House, who were in such a predicament that they could not be supposed to be otherwise than under improper influence. He then desired that the clerk might read clauses of three Acts passed, two in the 5th of William and Mary, and one in the 11th and 12th of William.

Earl *Nugent* found but two out of the three applicable to the case in issue; and two precedents would not warrant the expression of uniform and invariable practice, when there were so many precedents of a contrary nature to overturn them.

Mr. Alderman *Harley* felt himself in a very awkward situation indeed; he had not that option which the right hon. member had mentioned; his contract was not to be vacated at pleasure: he was to supply the army in Canada, Nova Scotia, Carolina, New York, and the West Indies, with money; he had agents in all those places, who were constantly drawing bills upon him; and who would continue to do so, until he should give them directions to the contrary. The Treasury could void his contract by giving him twelve months notice; such notice he had not yet received, and he was sure that he could not have his contract closed if he wished for it, by the end of the session; he had always fulfilled his contract to the satisfaction of those who had employed him; and as his political principles before he got the contract were well known, so he trusted no one would suppose that his conduct since he got the contract had been influenced by it. He never asked for it; he was not in the habit of asking favours of ministers: he got his contract in consequence of an address which the late lord Suffolk intended to have moved to the king, that his Majesty would be pleased to confer upon him some mark of his favour; at the request of the duke of Grafton, who promised to fulfil the object of the address, lord Suffolk did not move it: he was afterwards offered a pension, which he would not accept; saying at the same time, that he had rather have something in the way of his profession; on this he got the gold contract, which he fulfilled for twelve years with the fairest character; and he now felt himself hurt indeed, that he should be treated as if he were a criminal, in being forced to give up either a valuable branch of his business, or renounce the honour, which he held so high, of sitting in parliament.

Mr. *Fox* answered Mr. Harley, and endeavoured to deduce arguments in favour of the Bill, from what had been said against it.

The question was put, on lord Nugent's amendment, which was rejected without a division.

April 17. The House resolved again into a committee on the Bill; when a particular part of it gave rise to a tedious conversation. The point was this: it was proposed to enact that all persons supplying government with timber, corn, money, &c. on contract, should be disqualified from sitting in parliament, except such as should subscribe money to the public loans. The question was, whether this exception should remain or not. Some thought the loan was a more dangerous engine of influence than contracts, and that the exception ought therefore to stand. This was, in a great measure, allowed by others, but they appeared to be under apprehensions for the fate of the Bill in another House, if it should be clogged with any thing that should alter the idea that some people might have entertained of the matter, when they consented to support a Bill called the Contractors' Bill: the exception might make people say it was more than a Contractors' Bill; and more than they would consent to pass. The exception, however, was withdrawn, it being generally understood that a separate Bill should be brought in for that purpose.—On the 19th the Bill was passed.

Debate on the Bill to prevent Revenue Officers from voting at Elections.] April 16. The Bill "for better securing the Freedom of Elections of Members to serve in Parliament, by disabling certain Officers employed in the Collection or Management of his Majesty's Revenues from giving their Votes at such Elections," was read a second time.

Mr. *Crewe* then moved, that it should be committed; and in order to justify the principle of the Bill, quoted many cases, in which officers had not been permitted to vote according to their wishes; or if some had been bold enough to vote for the man of their choice, in opposition to the mandate of a minister, they had been

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deprived of their bread, by being turned out of their places. The Bill before the House, would be, he was convinced, acceptable to all the persons concerned, because it would extricate them from a situation at present extremely irksome.

Earl *Nugent* admitted that it was possible many of the collectors of the revenue might be disagreeably situated, between their inclination to vote for their friends, and their fear to give offence to their superiors; but still he could not think that any inconvenience whatever should make a man wish to give up his franchise, or justify parliament in taking it away: a man who felt like a Briton, would feel it as the pride of his life, that he had a privilege to vote for a representative in parliament; and would rather renounce his place than his franchise. There were near 40,000 officers employed in the collection of the revenues; among these there were perhaps some who were unworthy of a vote, and were fit instruments for a corrupt minister; but it was repugnant to every principle of justice, and absolutely without precedent, that the innocent should be involved in the punishment of the guilty, or the many punished for the faults of the few. He was afraid that the present Bill was introduced merely because the patrons of it had promised, while they were in opposition, to bring it forward, whenever they should get into office: for his part, he should be very sorry to find, that any set of ministers should ever think of carrying into law all their declarations while they were in opposition. To the principle of the present Bill he was an avowed enemy; because he looked upon it as an instrument of the most complete tyranny, to rob of their franchises a set of men against whom no charge had been proved, nay, not so much as brought. This Bill, and the other, for disqualifying contractors to sit in that House, were, in his opinion, monsters, begotten by a desire of independence, on the deflowering of property.

The *Secretary at War* did not see the Bill in the same point of view as his noble friend, or he certainly would vote against it; he thought, on the contrary, that nothing could be more desirable for the persons concerned: the case was not without precedent; for in the reign of Henry 6, the right of election was restricted to persons having freeholds of the annual value of 40*s.* which sum then was equal to 25, 30, or 40*l.* a year at present.

Sir *Francis Basset* declared his intention of opposing the Bill in every stage, and dividing the House upon it, though he was convinced that his opposition would be fruitless: this was a first step to innovation in the constitution; and he would now oppose it, because he did not know where it might stop: this precedent of disfranchising custom-house officers might be carried to the disfranchisement of officers in the army, in the navy, and even in those offices that now filled the Treasury bench: he did not know where the reformation would stop; and though he knew the powers of persuasion of the new members on the Treasury bench to have been greatly improved within these three weeks, he would nevertheless oppose his voice to their persuasion.

Sir *P. J. Clerke*, in order to shew the necessity of passing the Bill, read a letter, signed "North," to a person in the borough of Newark, to whom the votes of all persons in the borough, connected with government, were promised.

Mr. *Ann Poulett* opposed the Bill, and observed, that when he heard gentlemen say that it was good for the custom-house officers to be disfranchised, he naturally called to mind the anecdote of the hangman and Don Carlos, the unfortunate son of Philip 2, king of Spain; for when the executioner was going to dispatch the prince, he begged his highness would lie still, as what he was going to do to him, was for his own good.

Sir George Yonge, Mr. T. Pitt, Mr. Powys, and Mr. Coxe, spoke for the Bill; and Mr. Perceval, Mr. Rosewarne, and Mr. Gascoyne against it. Mr. Hammet had no objection to leave the present custom-house officers in possession of their franchise; but would have a law passed that all who should hereafter be appointed to places in the customs, should be disfranchised. The House divided on the question for committing the Bill, when there appeared; for it, 87; against it, 12.

April 19. The House being in a Committee on the Bill,

Mr. *Honeywood* rose to express his most sincere thanks to the hon. member who had brought it in: he had made a very minute enquiry in the outports of the county he had the honour to represent, and in which there was a considerable number of persons employed in collecting the revenues, and he found that the very idea of the present Bill gave

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universal satisfaction among them; and, indeed, he was not surprised that it should, as they were every minute liable to be turned out of their employments, if they should dare to have an opinion of their own in matters of election. He had heard one case in particular, which confirmed this assertion: and he did not doubt but there were many more in the same predicament, and therefore he rejoiced at seeing a Bill brought in, which would free them from such a disgreeable situation; and he could not but be surprized to find it was opposed by persons, who, after having voted away the liberties and franchises of America, appeared now so very tender about the franchises of custom-house officers; such conduct was no doubt a subject for ridicule.

Earl *Nugent* said, he was one of those persons who had opposed the Bill; and of course he might be one of those who were subjects for ridicule; ridicule, however, was the test of truth; and to that test he would now appeal: for this end, he would propose an expedient: the Bill at present confounded the innocent and guilty, influenced and uninfluenced, in one undistinguished mass: he would prove to demonstration, that there was a large body of Custom-house officers completely uninfluenced, and who were bold enough to resist the mandates of ministers: his expedient would be to draw the line; and then disfranchise only those who had been influenced; the others he would leave in the full enjoyment of their franchise; he therefore would leave out of the present Bill all those who had voted for the members of the late opposition: gentlemen might laugh; but either his expedient was good, or their Bill was absurd; for if Custom-house officers had voted for them, it was clear that they were not those tools that they were described to be; who bowed obedient to ministerial influence. He had now made his appeal to ridicule, and gentlemen might see on which side it lay. For his own part, he saw it would be useless for him to persevere in his opposition; and therefore he would give it up, and walk out of the House: he did not believe that there was above one in the House who would go with him; and therefore he must imitate Dean Swift, who going to read prayers, and finding that he had no other congregation than himself and his clerk, said, "Dearly beloved John," (here several voices cried "Roger, Roger, Roger;") his lordship hearing a loud burst of laughter through the House, said, "if you will have it Roger, why Roger let it be;" he would then address the one who thought as he did, and say "dearly beloved Roger, let these poor Custom-house officers be disfranchised, since we cannot prevent it, and let you and I now go dine."

Mr. *Crewe* moved the filling up the blank left for the time when the Act was to begin to operate.

Sir *F. Basset* opposed it; and declared that he would give every opposition in his power to an unjust, cruel *ex post facto* law.

A conversation took place, in which sir G. Savile argued for the Bill; for the principle of the Bill was, in fact, the ground of dispute, though strictly speaking, it should have been confined to the clause. Mr. Rosewarne and Mr. Onslow opposed it as a dangerous precedent, upon which might be founded hereafter a Bill for turning cockades both naval and military out of the House, and various other disfranchisements.

The Committee divided on Mr. Crewe's motion: Yeas 82; Noes 14.

April 23. The report of the Bill being brought up,

Earl *Nugent* opposed it again as unjust and unconstitutional. He said, it took away from men their tenures without making them any compensation; the cobler in his stall had as indisputable a right to his stall as the first man in the land had to his fairest possession; and to deprive him of it, was, in his opinion, what nothing but lawless force would attempt, or lawless force would attempt to justify. The taking away chartered rights had lost a king his crown; and the voting away franchises would undoubtedly lose the present administration all their popularity.

Sir *C. Turner* said he approved of the Bill; it was a good one, and had passed that House, even under the late abominable administration. Here he was set right, for it was rejected by the lower House, after the passing of the resolution of the 6th of April, 1780, that the influence of the crown had increased, &c. Sir Charles, on having been set right, said he was a man, and liable to error; but at all events he was right, when he said that the Bill was an excellent one, and should have his support.

Mr. *Smith* not having been in the

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House at any other stage of the Bill, took the present opportunity to declare that he thought it unconstitutional; it appeared to him an invasion of property; and consequently such a Bill as it would be a shame for him to give his assent to.

Sir *E. Astley*, in reply to lord Nugent's observation, relative to chartered rights, said, that if that noble lord and his friends in the late administration, had paid as much respect to the charters of America, as was now paid by them to the franchises of Custom-house officers, this country would not be in the deplorable situation in which they all lamented to see it.

Mr. *Onslow* took occasion, from the epithet of "abominable," which sir C. Turner had bestowed on the late ministry, to shew that their change of situation had not wrought any change in his respect for them. The hon. baronet, he said, had as few foibles as any man; but when those foibles should be forgotten, the virtues of the noble lord who had been at the head of the late administration, would be remembered by posterity. That administration was now politically dead; but the hon. baronet's resentment was not dead; he cocked his piece at them, to kill them over again. As to the Bill before the House, he held it to be such as ought not to be passed by a legislature careful of the rights of the subject.

Mr. *Gascoyne*, sen. was of the same opinion. The Bill was, in his opinion, contrary to Magna Charta, which secured every man his rights and franchises: the franchises, which the Bill was about to take away, arose, many of them, from tenures, which were truly property; and it was not even in the omnipotence of parliament to take away tenures, without making a compensation to the parties from whom they were to be taken: the persons in question might indeed have voted for ministers or their friends; but then it was from gratitude to those who had given them their places. It was a favourite idea with the present administration, that taxation and representation were inseparable; and yet, in direct contradiction to this principle, they were going to take away from the Custom-house officers the latter, and leave upon them the whole burden of the former: as freeholders, these men paid to the land tax; as officers in the collection of the revenue, they paid a part of their salary to the public use; and, though they were thus doubly taxed, parliament was going to take away from them the right of having a representative. If this right was to be taken from them, then, in common justice and in strict conformity to their political principles, the present ministers ought to exonerate these men from the burden of paying taxes.

Mr. *Eyre* held the Bill to be directly contrary to Magna Charta, which expressly declared, that no subject should be disseised of his freehold, but by the judgment of his peers.

Mr. *Rosewarne* opposed the Bill; and assigned this reason for it, that after mature deliberation, he was satisfied, that it was unpopular, unjust, and unconstitutional.

Sir *W. Dolben* gave his consent to the passing of the Bill under this impression, that he hoped it would be the harbinger of others, by which not only the influence of the crown, but also of the aristocracy would be diminished.

The House divided on the question for agreeing to the report: Yeas 95; Noes 12.

April 25. On the order of the day for the third reading of the Bill,

Mr. *Vyner* rose, and apologized to the House for troubling them in this stage, but he had been unavoidably detained from attending during any other part of it. He should think he was deficient in his duty, as a member of parliament, if he suffered the Bill to pass without giving his negative to it; and he did it from a thorough conviction that it was not only cruel and unconstitutional, but because there was no evidence before the House of the men, described in the Bill, having exercised their franchise corruptly. The Bill at first intended only to prevent officers of the customs, excise, stamp and salt offices; but since it had been in the committee it had extended considerably farther, and he verily believed, as it now stood, it would disfranchise 60,000 men. He desired the House to recollect what fate the Cricklade Bill was likely to meet with in the Lords, and to take that as a warning how they proceeded to pass Bills, giving up the franchises of men, without any legal evidence before them. He contended that every revenue officer had as much right to vote as if he never held a place; and that they might as well hang a man, because he might be a rogue, as to prevent these men from voting, because they might vote corruptly.

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Sir *T. Clavering* said, he should give his negative to the Bill, as cruel and oppressive to a great body of men.

Sir *G. Yonge* rose to defend the Bill, and was proceeding to explain what steps that House could take, supposing the Lords should reject the Cricklade Bill, when he was called to order by the Speaker, and informed that it was contrary to order to mention any thing respecting a Bill depending in the other House, as there was no evidence before the House of their behaving wrong. Sir George then proceeded to declare that the present Bill was absolutely necessary to prevent men from the disagreeable task of either losing their bread, or voting against their conscience.

The Earl of *Surrey* said, if he thought, or had the least suspicion that the present Bill was of that cruel and unconstitutional nature, described by the hon. gentleman, no man would be more ready than himself to vote against it; but he saw the Bill in quite a different light; he was sure it would be the means of freeing a number of men's minds from a disagreeable task that was imposed on them; and he wondered to hear gentlemen assert, that it was robbing men of their rights; certainly, it was no more than putting them to their option, whether they would give up their place or their right of voting; and one they undoubtedly ought to give up, for both together were incompatible. He observed, that as the Bill at present stood, the right of voting was denied men, unless they had been out of office twelve months; and the Bill was to take place from the 25th of June: therefore he wished to add a clause, which would free persons who might think proper to resign their places before that time, and give them liberty to vote immediately.

The Speaker informed the noble earl, that as the Bill was ingrossed, and the question was for the third reading, he could not add the clause then, but might add it as a rider afterwards. The Bill was then read a third time; after which Mr. Crewe brought up a clause, which was added as a rider to the Bill, and was as follows: "Provided that nothing in this Bill shall extend to any place now held by patent for life." The clause was agreed to. The earl of Surrey then brought up a rider to the effect of the provision mentioned in his speech, which was also agreed to. And upon the question being put, That the Bill do now pass,

Earl *Nugent* said he was happy to see that the Bill had come to its last stage in that House, for it had grown gradually worse and worse; and it was singular, that whenever a word was said against it, a new clause was added.

Sir *Watkin Lewes* said, if it was true that 60,000 men would be disfranchised by this Bill, it was a very salutary measure indeed; for out of 300,000 voters, 60,000 who were under influence, were discharged, and so much real corruption was removed.

The Bill then passed the House, and upwards of a hundred members attended Mr. Crewe with it to the Lords.

Debate on the Army Extraordinaries.] April 26. The order of the day being read for the House to resolve itself into a Committee of Supply,

The *Secretary at War* rose, and acknowledged that he was unequal to the task of speaking fully on the different articles contained in the army accounts, as, from the short time he had been in office, it was impossible to be thoroughly acquainted with them; and they were likewise articles which originated before his coming into office, consequently must be explained by the right hon. gentleman who was his predecessor: he therefore shortly stated, that the sum wanted for extraordinaries of the army from the 1st Feb. 1781, to 1st Feb. 1782, would be 3,436,399*l.*: but out of that vast sum, he said, no more than 306,037*l.* 13*s.* 7*d.* came within the business of the war-office. Large as the sum wanted this year was, it was less than that of last year, by 28,562*l.* 19*s.* 9*d.* and as it was his wish that several of the provincial corps should be reduced, he hoped the estimates of next year would be considerably less than the present.

Mr. *Jenkinson* explained the different sums against each article, and acquainted the committee, that during the time he remained Secretary at War, he had in the articles of army extraordinaries, saved no less a sum than 450,600*l.* and he was convinced that greater savings might still be made; the fuel for the army in America was no less a sum than 27,000*l.* and owing to the transports being delayed beyond the time stipulated, the article of demurrage amounted to 5,000*l.*

Colonel *Barré* said, he could not, even with the present ministry, suffer such a sum to be voted, without explaining that it was in fact not a true estimate. The

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sum said to be wanted was only 3,436,399*l.* but the army extraordinaries would be found to amount to upwards of 5,000,000*l.* and notwithstanding the vast savings mentioned by the late Secretary at War, he could not by any means justify the appointment of 100 commissaries, who were in fact so many cormorants preying upon the vitals of their country. The estimates of the army extraordinaries, he said, never included the carriage and transport service, although they made a considerable share in the sums voted; therefore it was impossible for the House to know what the real sum expended was.

Mr. *Holdsworth* informed the committee of a variety of abuses in the transport service which fell within his knowledge, particularly in the carriage of oats, which he knew had several times greatly exceeded the original cost.

Sir *P. J. Clerke* acquainted the committee, that an ingenious gentleman had calculated what the real cost of oats was to government on their arrival in America, and it had been found to be exactly three oats for a half-penny.

Mr. *Robinson* (late Secretary to the Treasury) rose to explain the method used in the purchase of oats, and the carriage of them afterwards.

General *Burgoyne* pointed out a variety of abuses that had come within his knowledge during the time he was in America.

Lord *North* said, the appointment of commissaries had generally been left to the recommendation of the commanders in America. In short, the Treasury had only appointed 19 out of the 100.

Sir *John Wrottesley* said, when he was in New York there were no less than 7,000 horses kept for the purpose of drawing artillery, officers' baggage, &c. which, if the army was not meant to be a moving army, was undoubtedly a wrong measure, particularly as oats were an article so extravagantly dear in America. With respect to commissaries, there were 19 in New York, a number too numerous, especially considering the unfortunate state this country was in at present.

Lord *John Cavendish* paid great compliments to the commissioners of accounts, and informed the committee they had not yet received any reward for their labour, but he proposed shortly to recommend them to the House. He was likewise happy in knowing that one of these commissioners (sir G. Carleton) was going out to America, as he was a man of the first abilities in his own profession, and, from the knowledge he had acquired while a commissioner of accounts, the greatest good was to be expected.

The chairman then put the question, that the sum of 3,436,399*l.* 6*s.* 0½*d.* be granted for army extraordinaries, which was carried without a division.

Mr. Alderman *Sawbridge* begged leave to mention a fact which had dwelt upon his mind for some time, and which he had determined to state on the first day that he should see the noble lord in the blue ribbon in his place. That noble lord must know, that in the petitions which were presented to the House from the different counties and cities of this country, one general and remarkable request was, that pensions should not be granted, unmerited by public services; how then did it come to pass, that in one of the last acts, if not in the very last act of their administration, they gave a pension of 1,000*l.* a year to the secretary of the treasury, Mr. Robinson, for the services which he had performed? What services had he performed to entitle him to such a pension? It was pretty well known that the hon. gentleman had purchased a very fine house in St. James's square, and also a most superb villa in the vicinity of the metropolis; all of which he had furnished and laid out in a most magnificent stile. These things could only be done by him, by his having had a large paternal estate of his own; or by his having made a large fortune in the place which he had held. He considered it as a most shameful thing, that in times like the present, a ministry who had ruined their country should have presumed, when driven from their posts by the voice of the people, to load the nation with so large an additional pension.

Lord *North* said, that the hon. gentleman, his friend, had in the very severe and laborious office which he had held for so long a time, performed its duties with so much care and attention, that his Majesty had been graciously pleased to bestow this pension upon him as a small reward for long and faithful service. Such had been the extraordinary fatigues and duties of his office, that he was well assured that no man would undertake to do so much for the same reward. Gentlemen would consider that a nominal 1,000*l.* a year, was in fact no more than 660*l.* a year, on account of the deductions and this was a sum which was by no means unprecedented. Former secretaries had

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served for a shorter time, and had received greater reward.

Mr. *Robinson* spoke himself, and said, that he had in his office acted to the best of his power and abilities for the good of the country; and if he had been unable, he could at least assure the House, that he had been industrious. With respect to his having purchased a villa, it was very true; he had bought a small house; and he would tell the committee shortly how he did it. He had a paternal estate, which he some time ago sold for 23,000*l.* and he suffered the interest to lie until it amounted to 25,000*l.* and this sum he gave with his daughter on her late marriage. A small house in the country he had bought, and made just comfortable for himself; and to do this, he had borrowed the sum of 12,800*l.* This was well known to more than one member of that House; of this sum, 7,700*l.* was still unpaid. The house in St. James's-square he had not bought, but taken on a lease of 21 years, at the annual rent of 150*l.* He was obliged to lay out 1,200*l.* in repairs; this he had done, but the bills were unpaid; this house he had taken for two families, for himself and his son-in-law. This was the exact state of his fortune and gains. He was infinitely indebted, and he was truly grateful to his Majesty for the pension which he had received.

Sir *M. W. Ridley* said, that he considered it as exceedingly shameful, that Mr. Robinson should have had a pension of 1,000*l.* a year, and sir Grey Cooper, the other secretary of the Treasury, should have had only a pension settled upon him of 500*l.* a year. He had served as long and as faithfully; and when he went into office, he had given up his prospects in his profession, where he stood very high. Besides this, he had a young family coming up, and his services ought to have been considered.

Mr. Secretary *Fox* said, that he was not unhappy that his hon. friend had mentioned the circumstance, because he wished that it might be understood by the House and the public, that the pensions which had been stated, and also another which had not been mentioned, were the sole and entire work of the late ministry, and not of the noble or honourable persons who had now the honour to fill his Majesty's councils. It was exceedingly fit to inform the House of the circumstances which attended the passing of these grants. Gentlemen would recollect, that for several weeks before the change of ministers, several questions were agitated in that House, in which the opinion of a great and most respectable part of the House was declared; and by which it was clearly shewn that the House and the nation had withdrawn all confidence from the King's ministers. A noble lord had intimated a motion of the same nature; and it was perfectly understood that his motion on that day (Wednesday) would have been carried by a majority of parliament. No man would venture to say, that that motion would have been lost; but the noble lord came down and stopped the motion, by declaring, that "his Majesty's ministers were no more." Could any man therefore conceive, that after an assertion of this sort, it was to be expected that those men could act in a ministerial capacity, after they had declared that their administration was no more? Yet this they had done; and during this interval they had not only passed these pensions, but they had also filled up every place and office of every quality and size; by which they gave rise to the opinion, that the three last days of their administration were the days of their greatest vigilance. But he wished that it might be clearly understood that the present ministers were no ways responsible for those pensions; they were what ought not to have been given; he should never consider that those men who had lost so much, and had in fact ruined their country, should be entitled to the rewards due to the men who had laudably served their country. The noble lord had talked of the services of his secretary. He wished to God that the hon. gentleman had been idle; or that he had employed himself in his profession; or in any way rather than in the services which he had boasted of; and this observation was not confined to him, it extended to men of a higher rank; he wished to heaven they had done any thing rather than employ themselves in services which had ruined their country. He must make one observation more, that it was wrong in the noble lord to say, that the grant was to be imputed to his Majesty. For every grant there was some man responsible; and in the present case it ought to be remembered, that the grants of the pensions now spoken of came through the Treasury; and the noble lord had, after he had declared that the ministers were no more, countersigned these grants.

Lord *North* said, that the addition which

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had been made to the salary of the place which he had the honour to hold, was no more than what his predecessors in the same office had always had. It was an addition which he had never solicited; it came to him from the grace of his Majesty, without any solicitation on his own part; and, in truth, the addition was offered to him some years ago, when he refused it; but when his Majesty thought proper to change his ministers, the gracious offer was renewed, as a reward which his Majesty thought due to his long, and at least faithful services.

Mr. *Fox* said, that men who had ruined their country were not intitled to the reward due to meritorious services. The country could not brook that the noble lord should have a reward equal to the great and popular earl of Chatham.

Mr. *Byng* said, the words of the noble lord in the blue ribbon, on the day the earl of Surrey was to have made his motion was, "the ministry are no more, they only stay in office a few days, to do the common business of the office:" consequently, then, the House must infer, that the business of office was to grant pensions.

Mr. Alderman *Sawbridge* said, he should renew the business on some future day, and call on the House to revise these grants.

The committee then rose.

April 29. Mr. Ord brought up the report of the committee; and on the Speaker putting the question that the House do agree thereto,

Mr. *Hussey* said, he did not rise to oppose the motion, but just to know whether the article contained in the estimates, of five guineas per day to a general in Germany for raising recruits, was meant to be continued for the future; and likewise whether it was customary to allow the sum of four-pence per dollar, which was nearly equal to 8 per cent. to the person who remitted coin to Georgia. He lamented that none of the late ministers were present to explain these matters, for they to him appeared quite enormous.

General *Smith* observed, that as a guardian of the people's rights he could not sit and see such vast sums voted away, without having every explanation possible on the occasion. The sum for extraordinaries only, exclusive of the transport service for the army in Canada, amounted to upwards of 600,000*l.* which must make it plain to every person, that our maintaining possessions in that country were too expensive for this nation to support.

Sir *Grey Cooper* rose to explain, that the custom of allowing four-pence per dollar on all money transmitted to Georgia, had existed for more than 10 years.

Colonel *Barré* said, the hon. baronet's explanation was truly curious. He had not defended the measure in any other manner than saying it had been a custom for 10 years. That, as well as many other shameful abuses, had existed for that length of time, but it was no reason for their continuance. The money voted, he said, was not four millions, but the money expended, including the transport service, would amount to full five millions.

Mr. *Hussey* rose again to declare that he had the fullest reliance on the integrity of the present ministry; and as they came into place on a thorough conviction of being averse to the destructive measures which had for years been pursued, those abuses, he trusted, would soon be abolished, and as the war was not to be carried on in America, there undoubtedly could be no occasion for a general to recruit in Germany.

Mr. *Byng* declared, that if the present ministry did not export dollars to Georgia for half the premium given by the late ministry, they deserved the severest censure; and if they did export them for half the premium, no censure was severe enough for the shameful profusion of the public money by the late ministry.

Sir *Joseph Mawbey* observed, that the person who had the lucrative job of exporting the coin to Georgia, he supposed was a member of that House; for it could not be thought that any other than a member could be allowed 8 per cent. for what any merchant on Change would do for 4 per cent.

The Resolution was agreed to.

Motion for a Committee on the State of the Public Finances.] Mr. *Thomas Pitt* said, he intended making a motion relative to the finances of the country; a matter which required the most serious attention. The nation, he said, was groaning under the heavy burthens which had been heaped on it during the late administration. The public money had been shamefully lavished away by ministers in jobs, and corruption of every kind had prevailed under their auspices. Vast sums of

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money had been expended, without the knowledge or authority of parliament. By these means the nation was so reduced, that it was necessary to investigate the state of its finance to the bottom, and see really what its situation was, what its debt amounted to, and how its creditors were secured. It would be accounted prudent and wise in an individual, who found his affairs declining, to lay before his creditors his books, that they might judge fairly and justly of his circumstances; nor would it hurt but strengthen his credit: the like effect might the nation expect from the enquiry he proposed, but at all events, it would serve to shew us what strength or resources were now left us. He then moved, "That a committee be appointed, to enquire into, and state to the House, the amount of the several sums raised by annuities towards the supply granted to his Majesty, between the 5th of January 1776 and the 5th of April 1782, with the annual interest payable thereupon, together with the annual produce of the several taxes granted towards paying the interest of the said sums, and the deficiencies thereof: and that the committee do report the same to the House, with their observations thereupon."

Lord *North* did not rise to oppose the motion, but to say a few words on some harsh expressions which had fallen from the hon. gentleman. He denied his ever having consulted the interest of any man, in any bargain he made, or other transaction he did for the public. He had ever in view, in all his dealings, the benefit of the public; that was the principle on which he ever acted; he disdained the idea of jobs; it hurt not him, because he was conscious of his integrity. He said, as to what the hon. gentleman mentioned about large sums of money being expended without the authority of parliament, he declared the House had always the most explicit information of every sum which was made use of for the nation.

The motion was agreed to; and the committee was balloted for on the next day.

Mr. Robinson's Pension.] Mr. Alderman *Sawbridge* said, on a former day he had given notice of a motion he intended making on the first opportunity, and therefore the public expected it from him, and it was to discharge himself of it that he now rose. He said he should briefly consider the merits of the hon. gentleman whose pension was now the business in question, and the rewards which that hon. gentleman had received. He then explained to the House the nature of Mr. Robinson's employment, that he was secretary to the Treasury; that the noble lord in the blue ribbon, who was at the head of that department, from his natural indolence, had entrusted the whole management of the business to this gentleman; that all the loans were agreed on, and made by him, and that he always took care to keep to himself a handsome share of them: and whenever contracts were made, he was sure to be a partaker of them too; and instanced the remittance contract, in which he had a large share. He said the industry and attention which the hon. gentleman shewed to those matters, were not the only proofs of his merit; his dexterity in managing this House should not be forgotten. In that point, unfortunately for the nation, he displayed much ability. He now adverted to the rewards which had been given to him for his services. In the first place, however, he must observe, that the salary, with the just and lawful perquisites, of a Secretary of the Treasury, one year with another was worth 5,000*l.* which, one would think, was an ample compensation for the toil and fatigue of office, yet a grant was made to this hon. gentleman of a large tract of land, and a great number of houses in Harwich, belonging to the crown, at the rent of 5*l.* and he had it, he said, from good authority, that this grant was worth 3,500*l.* a-year: that after this another grant was given to the hon. gentleman and his son-in-law, of the reversion of a place in the customs of considerable importance. When he viewed these several extravagant provisions made for the hon. gentleman, he could not help thinking the laying any additional burthen on the public on account of him, as highly reprehensible. He then moved, "That the pension of 1,000*l.* a-year granted to John Robinson, esq. late Secretary to the Treasury, was unmerited by public service, and a lavish and improvident expenditure of the public money."

Mr. *Honeywood* seconded the motion. He said, the country was in so deplorable a situation, that, without public reformation, it was impossible it could exist; and, in his opinion, nothing called louder for reformation, than the shameful abuse of the public money in granting pensions.

Mr. *Robinson* said, the many things with which the hon. gentleman thought proper

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to charge him, would have been felt severely by him, and he should look on himself as very criminal indeed, had they been well founded; but he appealed to those gentlemen, some of whom were members of that House, who had dealings with government, either in contracts or the different loans, whether directly or indirectly, he had any share or employment whatever in any one of them. He called on those gentlemen, as men of honour, to declare if he had, and he challenged the hon. mover to prove his assertions. He then stated to the House, that the income of the grant, which had been made him of lands and houses in Harwich, did not amount annually to more than 250*l.* notwithstanding it was asserted to be 3,500*l.*, and, if the House thought proper, he would prove the fact to be so, and that he had expended, since he received this grant, on the houses, in repairs, &c. near 1,530*l.*; so that gentlemen would plainly see, he gained very little by it. He confessed, that what the hon. gentleman said of the reversion of a place in the customs, was true, but that the person who now enjoyed it, was likely to live and possess it for many years; so that very little value could be set on it. He should not say a syllable as to the motion itself, the House would judge from what they heard of its propriety.—Mr. Robinson then withdrew.

Mr. *Thomas Pitt* said, that whether the hon. gentleman merited his pension or not, he knew not, nor did he think it an object worthy the attention of the House, when matters of much greater importance were to come before them. What object was it to the nation whether 1,000*l.* was granted deservedly or not when the very existence of the nation was at stake? Let, therefore, all our care and enquiries, said he, be rather directed to those objects, whose magnitude and importance promise some great national benefit, than employed in such pitiful discussions. He would therefore move the previous question.

Mr. Secretary *Fox* said, that the motion made by the last speaker had his approbation; not that he thought the motion which the hon. alderman had made, ill-founded or wrong in itself; but though trifling in itself, it included in it matters of a more serious nature; it would affect the whole of the late administration, and had it passed, a censure on those persons who advised would be the consequence: therefore, as an hon. friend of his had moved for a committee to enquire into the state of the finances, it would come with more propriety before them, with a thousand other grievances. Wretched and miserable as this country had been painted by gentlemen before they came into office, yet, to their astonishment, it was found infinitely worse than they ever conceived it could be. He had attempted, on a former day, to point out to the House, the state of our navy; and weak and inadequate as it turned out to be, yet, since that time, he had come to the knowledge of facts which shewed him that all his former suspicions were poor and weak in proportion to the truth. Neither he nor any one who acted with him, imagined that our navy was so reduced and impotent as they now found it to be. He thought it necessary that an enquiry should be set on foot, to shew its situation, and the cause from which it originated, that no blame might be attributed to those in administration, but what should appear to be incurred through their conduct. He then said, from the mismanagement of the late administration, there were the greatest difficulties thrown in the way of a peace with Holland; but that he had no doubt, had the present ministers been called to his Majesty's councils some weeks before, that it would have been brought about: this he thought proper to mention, that the public might know, who were the cause of preventing that event from being accomplished, which the nation so anxiously wished for. He then mentioned that at the time the noble lord in the blue ribbon was telling the House of his eagerness for peace with America, as haughty and imperious language was held out to that power as ever. He said, that no man was influenced less by any vindictive spirit than he was, yet self-preservation demanded that the state in which the present ministers found the nation should be known; and in order to that, it would be necessary to lay before parliament several propositions concerning its navy, the internal defence of the country, its foreign politics, and many other matters of importance.

Mr. *Dundas* said, it would be wisdom in the present ministry, instead of breeding dissention or bad humour in the House or the nation, to endeavour to increase that unanimity which promised such vigour and strength to their government, and which alone could strike terror into our enemies. Did they think, by instituting enquiries here, that gentlemen who sup-

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ported the late administration would forego their former opinions, and condemn those measures which they before approved of? If, through a vindictive spirit, or to serve the purposes of party, they made the experiment, they would be answerable to the nation for all the bad consequences that might ensue. If our navy was in a bad state, and had been mismanaged, as the right hon. gentleman asserted, the best method to prove it so, would be to shew us a better one; and if it was such an easy matter as right hon. gentlemen said, when out of office, to make peace with America and Holland, why not bring such a measure about, now that they had the whole conduct of the business in their own hands, or, if they found difficulties in it, surely they ought to be candid enough to suppose the former ministers had the like impediments to obstruct them.

Mr. *William Pitt* strongly recommended unanimity, from which the salvation of the nation alone could be hoped for; however, if there were any crimes so glaring as to demand the attention of the House, he saw no good reason why they should be passed over in silence.

The Earl of *Surrey* said, the deception which had been used by the late ministry on the House, demanded the severest reprehension; who, after they had informed them they were no longer a ministry, had shamefully exercised every power which ministers could use, and that for the worst purposes; he should, therefore, when the motion now before them was concluded, move for an account of all pensions granted from the 15th of February to the 30th of April.

Mr. *Hussey* approved of this measure, and said, if the noble lord had not proposed it, he had prepared a motion to the same purport; he wished, therefore, the hon. alderman would withdraw his motion, and the gentleman who moved the previous question would do the same too.

Mr. *Sawbridge* said, he was not averse to it, as it appeared the sense of the House he should do so, provided the noble lord would make the motion he proposed.

Governor *Johnstone* said, he was against the previous question being withdrawn; for it would be a warning to gentlemen how they brought on motions which censured gentlemen, without having good grounds for so doing.

The previous question was put by the Speaker and carried; after which, lord Surrey made the motion for an account of the pensions, which was agreed to.

Debate in the Lords on the Contractors' Bill.] May 1. On the order of the day for going into a committee on the Bill for restraining any person concerned in any contract, commission, or agreement made for the public service, from being elected, or sitting and voting as a member of the House of Commons,

The *Lord Chancellor* left the woolsack. His lordship began with stating, that he had expected before the Bill had got to that stage, that some noble lord would have risen, and been so good as to explain to the House, the grounds and principles of it, and shewn what degree of necessity it was, that pressed for bringing in a Bill on those principles, just at that time, and so late in the session as the month of May. Heretofore that single argument had been thought a sufficient objection to the agitation of any Bill of so material a consequence, as to trench on the ancient constitution of this realm; and upon the strength of that argument alone, noble lords whom he had been accustomed to see sitting on that side of the House, and who still sat there, though now in a very different situation, had more than once supported him in opposing such Bills, and preventing their passing, without the House having a better opportunity of discussing them, in that deliberate, serious, and solemn manner, which their magnitude, extent, and importance loudly called for. No one noble lord, however, having taken the trouble to explain the grounds and principles of the present Bill, and to satisfy the minds of their lordships, that those principles were sufficiently wise and expedient, to warrant the passing any Bill; much less to endeavour to prove, that a Bill, so highly exceptionable in itself, and so much more exceptionable in its form, from the very singular, imperfect, careless, and inexplicable stile and phrase in which it was worded, ought to pass at all, let its principles be never so wise or never so expedient, he must of necessity suggest to the House, what he supposed were likely to be the grounds on which its defence would be rested by those, who best approved of it; and endeavour to prove that those grounds were such, as by no means justified so violent an innovation on the ancient constitution, any more than the provisions of the Bill were calculated to inforce its principles, and apply a remedy, in any shape adequate to the pretended grievance, which was presumed, as the matter of necessity that called forth such principles.

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Having urged this very strenuously, his lordship said, he conceived the grounds of the Bill to be two-fold; the first to be with a view of furthering public œconomy; the second to check and bear down that influence, which it had been the fashion to cry out against of late years, as too predominant in both Houses of Parliament. He would, he said, for the present, postpone the consideration of the second ground, and confine himself to the first. Public œconomy was what he had always anxiously recommended, as the thing to be most scrupulously attended to by this country at all times, but more especially in a moment of so much embarrassment, expence and danger, as the present. It was, he was convinced, a matter without which neither this nor any other country, pressed and goaded on all sides by public distress and difficulty, could expect a possibility of relief, or look forward with a reasonable prospect of coming to the happy hour of recovery, salvation, and security. Feeling as he did, he should most readily adopt every proposition founded in true wisdom, and tending to enforce a real reform in point of œconomy; but was it consonant either with sense or reason, blindly to catch at puny regulations, by no means answering the pretences on which they were brought forward, and with an avidity bordering on phrenzy, pass Bills into laws, which, under the affectation of being Bills of œconomy, when properly examined, would be found to be no such thing, but to be merely Bills, the aim and effect of which were to deceive and betray the people. He did not mean, by applying strong words to the Bill in question, to give it a worse character than it really deserved; but after having perused it with all the attention he was capable of, he could find no words in the English language, that so correctly described the impression his perusal of the Bill had left upon his mind, as terming it, an attempt to deceive and betray the people. With regard to the principle of œconomy, he saw not in any one point how it was likely to enforce that principle, or where, under the operation of such a law, any saving of the public expenditure was likely to be effected.

With regard to the second ground that he had mentioned, namely, the checking and bearing down the supposed influence that had been said to be predominant in parliament, he could not discover, by all the art he was possessed of, how, even if the influence prevailed in never so extensive a degree, the Bill was likely to put a stop to its prevalence. He supposed those who befriended the Bill used some such argument as that of alledging, that ministers were so determined to corrupt, and members of parliament so willing to be corrupted, that the former gave, and the latter accepted, contracts made in private, and upon terms so disadvantageous to the public, that immense fortunes had been gained by them; for which robbery of the state, the member of parliament consented to sell his vote and his conscience unreservedly to the minister. Stating the case in that way, and he knew not how to state it more strongly, or more advantageously, in support of that principle of the Bill which he was then discussing, he had but one question to ask before he proceeded farther, and that was a question on which the whole of the truth of the argument rested: did the case exist, or had it ever existed? If it had, the severity of the Bill, severe and harsh as it was, fell infinitely short of the degree of punishment due to the enormous weight of the crime. Could such a case be made out, he would by no means agree to treat it so lightly, as to enforce such a law as the present Bill would amount to; he was ready, if proof of such a monstrous degree of guilt could be brought home to the door of a minister, to join my noble lord, and immediately enforce such legal steps as should be most likely to bring so enormous a criminal to condign punishment; for in his mind there did not remain a shadow of a doubt, that no positive legal vengeance, no Bill of pains and penalties, no impeachment by the Commons, no sentence by the Lords, could be so severe as to amount to a punishment sufficiently exemplary for such an aggravated instance of abuse of power, and breach of confidence. But, if no such instance had ever occurred in the worst of times, why pay so bad a compliment to succeeding ministers, as to presume that they would be so much more depraved, so much more abandoned, and lost to all sense of shame, as to be guilty of what no ministers had as yet been guilty of? What reason had those, who favoured the present Bill, to suppose that ministers would be more corrupt than the ministers that had heretofore been in power? [A noble lord said, "no ministers could be more corrupt than the last."] His lordship declared he was relieved from some difficulty, by being told, that no future ministers could

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be more corrupt than former ministers; this made most powerfully for his argument, because, if such instances of undue influence never had occurred in the times of those ministers who were stated to be the most corrupt that ever could exist, it was certainly warrantable to argue, that no such influence would be exerted in future; and therefore the obvious conclusion was, that there could be no occasion whatever to pass a Bill, avowedly trenching on the ancient constitution, and which was declared to be meant as a remedy to a pretended evil, now acknowledged, on all hands, never to have existed, nor likely to exist in future. To what end, then, pursue the measure one moment longer? To what purpose would their lordships waste their time in agitating a Bill, that held out nothing like a reform, either in point of œconomy or influence?

His lordship said, if he understood this country well, it was a mercantile country: such was the effect of the high credit of the British merchants, that it even had an ascendency in the eyes of all the world, and bore no sort of proportion to their opulence. Why, then, separate the mercantile interests from those of the rest of the kingdom? and why say, that merchants alone, from whom the most important information might be obtained, on points of the greatest political interest, should not have seats in the House of Commons? On the mercantile credit, the credit of the country depended; and he saw not how their having connections with government, materially serviceable to the latter, and by no means incompatible with the usual avocations and concerns of the former, rendered them more unfit to be in parliament, than any other description of Englishmen. It was not even pretended, nor would any man venture to insinuate, that the holding of a contract had any influence whatever on the parliamentary conduct of those merchants who held contracts at present: why, then, pass a Bill that affected to brand those with a public stigma (for it was in vain to say, that the Bill did not so brand them), who had, in no part of their lives, done any one thing that should cause them to be singled out to endure such treatment? There was one gentleman, in particular, who was clearly an object of the vengeance of this Bill, and that was Mr. Harley; a gentleman of high birth, unimpeachable character, and unquestionable honour: Mr. Harley was the representative of a large and opulent county, a county full of gentlemen of great wealth and respectability, who, knowing his connections with government, had chosen him their representative a second time; and that after the former Bill, the copy of a part of which had been agitated in parliament, and rejected by their lordships. Would their lordships, then, now consent to brand Mr. Harley with so severe a censure as the Bill must inflict on him? Would they punish him with parliamentary incapacity? Would they declare that the gentlemen of the county he so honourably represented in parliament, ought not to have chosen him their member?

After pressing this very strongly, his lordship used a variety of other general arguments against the Bill, and said, forcible as the objections he had laid down were in his mind, he would not leave the matter to rest there, but would go into a short review of the two first clauses, to shew in what an ambiguous, inexplicable manner they were worded. His lordship then referred to the printed Bill, and contended that it was impossible for men of ordinary understandings to comprehend what was the essential difference between the two clauses. The first, in purport, enacted that "after the end of this session, all persons holding contracts for the public service, shall be incapable of being elected, or sitting in the House of Commons;" and the next enacted that "any member, accepting a contract, or continuing to hold any contract, beyond the present session, his seat in parliament shall be void." Upon these clauses his lordship descanted for a considerable time, and pointed out from the wording of them, and other clauses, that the extent of the operation of the Bill was infinitely greater than their lordships could possibly have conceived. After stating that these alterations might, and he hoped would be made in a committee (if the Bill went to one) he again recurred to general remarks on the principle and tendency of the Bill, denying that the principle was either just, wise or expedient; and maintaining, even if it were just, wise and expedient, that the application was by no means consonant to the principle. He also reminded the House that, two years ago, when a Contractors' Bill, infinitely less exceptionable than the present, was brought up to that House, and arrived at the very stage at which the Bill then under consideration was arrived, several lords spoke, and others

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voted against it; all of these, therefore, were bound to act consistently now, and either to abide by their former vote, or to state reasons, of sufficient cogency, for having altered their sentiments upon the Bill, to surmount the abusive attacks, and scurrilous insinuations of anonymous libellers, who would not fail to take notice of their conduct that day: such illiberal assassins, and scribbling garretteers were, he said, but too prone to point their pens at the conduct of public men, without a cause; it behoved their lordships, therefore, to act so as to be able to laugh libellers to scorn, and defy their malice. The matter in question was of a very serious and important nature; that was not the moment for any of their lordships to shrink or to run from an opinion. The Bill, in its present form, was not the hasty production of the moment; it was not the effusion of sudden thought; it was the deliberate offspring of two years mature reflection and judgment; and it was now converted into a Bill of pains and penalties: their lordships must therefore answer to the people for their vote; if they absented themselves from the House, or acted differently from what they had formerly done, without assigning a reason for so doing, the public would not be satisfied, or think them unmerlting of censure, for their want of consistency. His lordship concluded with moving, "that the Bill be not committed."

The Earl of *Coventry* said, a great deal of what had fallen from the learned lord, went merely to matters that might be adjusted in the committee: there certainly were parts of the Bill that called for alteration. He pointed out one in particular; and added several arguments of a general nature, to prove the necessity of passing such a Bill. He said, no man had a right to contract with himself; that parliament were the trustees of the public: and that if any of its members were allowed to hold lucrative contracts under government, it struck him, that such members must feel the loss of their free agency. He therefore gave his hearty assent to the commitment of the Bill.

The Duke of *Richmond* rose to defend the Bill: his grace complained of the sallies of humour of the learned lord, and said, the motives of those who originally introduced the Bill into parliament, and who had now matured it, were too good, and too free from any thing meriting contempt, to deserve to be treated in a ludicrous manner. It was a Bill that but little concerned their lordships, as it was a mere regulation of the House of Commons made and agreed to by the House of Commons itself. For the sake, therefore, of the greater solemnity, and in order to give the reform the greater sanction, the House had stated it in the shape of a Bill, and submitted it to their lordships' consideration, in order that it might have the authority of the three branches of the legislature; and by that means pass into a law of the realm. Should their lordships reject it (which he trusted they would not) the House of Commons had a remedy in their own hands. They had the power of making rules and orders for themselves; and by a resolution of their own, they might carry all the clauses and provisoes of the present Bill into full effect. His grace enlarged upon the principle of the Bill, and its application; and denied that the attempt was novel, or that it was, as the learned lord had stated it to be, a small reform, compared with the great design of general reformation which was soon to be brought forward: it certainly was not a large part, but it was a very essential one of the whole plan: nor was it without precedent; the boards of commissioners of the navy, victualling, excise, and customs, had been rendered incapable of sitting in the House of Commons, and that had not been complained of as any hardship. Where, then, was the greater injury done to the contractors? or where the greater odium cast upon them by the present Bill, than had been done to, and cast upon the commissioners above-mentioned, by the Bill that incapacitated them from sitting in the House of Commons? His grace denied that there was the smallest portion of injury or odium reflected on either: both Bills were necessary efforts of resisting and preventing undue influence: and as the one had been attended with the most salutary consequences, so, he had no doubt, would the other, which was, he was convinced, and he flattered himself most of their lordships were convinced likewise, most essentially necessary.—His grace answered the arguments of the Lord Chancellor, with respect to each of the grounds of the Bill; and strenuously contended, that its application was such as its principle required, to give it force and effect. He declared himself not a little astonished at seeing the learned lord attempt to intimidate their lordships from supporting the Bill, by urging them

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to vote against it, on grounds of consistency; but most of all was he astonished, to have heard from the learned lord, arguments built upon so paltry an idea, as the dread of what anonymous paragraph and pamphlet writers would say of their lordships, if they supported the Bill. He owned, the learned lord was the last man living from whom he expected such a species of terror to be held out on any occasion. He had ever conceived that the learned lord, above all other men in existence, entertained the most sovereign contempt for anonymous news-writers and scribblers; and that he neither would have suffered such mean instruments of detraction to influence his own conduct, in the smallest degree, nor have condescended to hold them out, in terror to their lordships. His own opinion was, that it was his duty, and the general duty of the House, so to act, as to satisfy the expectation of the people, who had an indisputable right to examine into the conduct of parliament; but to be above the reach of such low abuse as that alluded to. He advised them to do what was right in itself, and to care not what consequences followed. The Bill was most essentially necessary, and especially in the present moment. Had it passed two years ago, he was persuaded many of the calamities the country then felt so grievously would have never happened; to pass the Bill now, would, he was convinced, tend greatly to give the people without doors, a good opinion of parliament, and to restore to that House, once more, the confidence of the public: their lordships must see that both these objects were extremely desirable. Against the charge of inconsistency, if noble lords thought differently of the Bill now, from the sentiments they had entertained of it two years ago, the duke opposed the fact of the bench of bishops having agreed to the Bill in favour of the dissenters, on its being a third time sent up to that House, and after they had twice given it a strenuous opposition.

The *Lord Chancellor* declared the noble duke had mis-stated his words; and, as what had fallen from the noble duke, was more likely to be remembered than what had fallen from him, he thought it highly necessary to endeavour to prevent a false impression from getting abroad. His lordship then asserted, that he had never mentioned anonymous libellers with a view to intimidate their lordships with the dread of their attacks; on the contrary, he had expressly recommended it to their lordships to act consistently; or, if they had changed their opinion, to defend that opinion with a cogency of reasoning that would place them above the reach of paltry pamphlet scribblers, and anonymous news-writers. His lordship added, that he never had said a syllable tending to insinuate any thing prejudicial with respect to the motives of those who had brought in the Bill originally, and again on the present occasion: he had confined all his arguments to the Bill itself, and to that only had he directed every part of his argument. The noble duke had been pleased to say, that the House of Commons had a remedy in their own hands, in case their lordships rejected the Bill, because they might come to resolutions, respecting themselves, that would nearly have the effect of laws: to this he replied, he ever would maintain the contrary; the House of Commons had no power or authority whatever to make resolutions, altering the constitution, that would have any effect approaching to the effect of laws. They might try their power, but they could not alter the constitution on their authority, independent of the concurrence of the other two branches of the legislature. That was the law, and he trusted it ever would remain so. With regard to his opinion of the present Bill, so far from saying that it would effect a small reform, as his grace had chosen to say he had, his express declaration had been, that it was no reform at all; for the fact was, it was not even the semblance of a reform; a fact as plain as that two and two made four, or any other proposition the most simple that could be supposed.

The Duke of *Richmond* rose again, and contended that the learned lord's explanation had not, in the smallest degree, proved that he had either misunderstood, or mis-stated the learned lord's argument. His grace re-worded what he had before said on the points the learned lord had endeavoured to explain; and comparing it with the learned lord's explanations, appealed to the House whether the purport of both was not pretty nearly alike.

The Earl of *Mansfield* spoke against the Bill. He said, had he altered his mind respecting the Bill, he should not have been at all ashamed, nor have been afraid of the charge of inconsistency, because, without being liable to the smallest imputation of want of consistency, wisdom, or virtue, different opinions might undoubtedly be

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held by the same persons, at different times, of the same Bill, under different circumstances. His lordship remarked, that the only reasons assigned in support of the principle of the Bill on former occasions, had been repeatedly and fully controverted. A noble lord had that day assigned a new reason why the Bill ought to pass, and that was, "that no man should be allowed to contract with himself." It so happened that this reason did not apply. If a minister himself held a contract, the minister would be criminal. The right hand ought not to contract with the left. But the minister and the member of parliament were persons totally distinct. Just so the commissioners of the customs, excise, navy, and victualling, had been mentioned inappositely. They had been incapacitated at the end of a session of parliament, and not by a Bill of pains and penalties. His lordship declared, that there was no instance of complaint, that a contract was not fulfilled, that he knew of, and that was an argument against the Bill. When the Bill was originally before their lordships, two years ago, he had conceived a strong dislike to it; he felt the same dislike now, and for the same reason, namely, because it appeared to him to be a Bill big with most cruel oppression to individuals. If it were so in its original form, it surely was much more so in its present shape. By the clause now added, it became a Bill of pains and penalties, because, notwithstanding all that had been said, there and elsewhere, that a member of the House of Commons, holding a contract, had an election; there was no other election in the case, than an election of two evils; he must either lose his seat in parliament, which was too great an honour to be parted with by a gentleman of the smallest share of sensibility on any consideration; or he must part with his contract, which might not only be a very advantageous thing, but in such a train, at the time, as to be extremely inconvenient to be parted with. When a contract was made fairly and honestly, there could be no influence if the bargain was settled in the manner all bargains ought to be, namely, where the merchant, on the one hand, contracted upon as reasonable terms as the situation of the market at the time would allow; and as low as the minister, on the other hand, could obtain; where was the favour either way, and whence could arise the influence? But great inconvenience might result from obliging a contractor suddenly to resign his contract: the period which the present Bill fixed as the period of ultimate discharge, to avoid incurring the penalty, might be just that time when, in consequence of former orders, large quantities of the matters which the contractor had bound himself to deliver, in the course of his contract's existence, might come into his hands. He might by that time have got a number of clerks, all in train and practice, and a variety of other circumstances, of a different kind, which their lordships might easily conceive were probable. The earl said, men were too apt to run away with general notions, and from superficial ideas, to persuade themselves that, what was apparently most fair, was in fact most advantageous. Thus, with regard to contracts, it was pretty generally imagined that the lowest bidder ought to have the contract: nothing could be more fallacious than that idea. If it prevailed, not one contract out of five would be fulfilled. His lordship said, he hoped another maxim would ever govern the practice of contracting on the part of ministers; and that the most solvent bidder would be the object of greatest consideration to the minister, because, if the consequences of a contract of importance, not being fulfilled, were duly considered, that circumstance would be found to be infinitely the most material. With regard to the Bill not conveying a species of odium and censure on all contractors, his lordship said, that the whole tendency of it as fully conveyed that idea, as if it had been printed in large capitals, in the most conspicuous part of the printed copies. The earl added various other reasons why such an unconstitutional Bill ought not to pass, and declared he should vote against its being committed.

Lord *Camden* (President of the Council) expressed his astonishment at the laborious industry exerted by the noble and learned lord who first rose to oppose the Bill, and said, he was at a loss otherwise to account for the noble lord's spending so much time in speaking to the question, unless it were with a view to eke out a debate for several hours, which, without such means, would furnish very little matter, in his apprehension, for solid or rational discussion for half an hour. The Bill presented to his mind but one idea; it was simple and obvious. Though he did not recollect another passage in the learned lord's speech to which he could accede,

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he was ready to adopt his lordship's introductory observation. The learned lord said, that to consider the question fairly, the principle of the Bill should be examined and impartially considered, and an application made of that principle, to the subject matter before the House. On this he was ready to join issue with the noble lord, and, in imitation of his lordship, ask the House, in the first instance, what the principle applied to, and, after discussing that, see how far it applied.

He believed there was no noble lord who heard him, who doubted of the existence of influence in one shape or other, however denominated, or whatever shape it might assume lately. A very able and respectable member of the other House, (lord Ashburton) but now removed into this, on account of his many public virtues, his inflexible political integrity, and great talents, moved a proposition, which was carried against the minister by a considerable majority, "That the influence of the crown had increased, was increasing, and ought to be diminished." This was a full acknowledgment upon record of the existence of that evil, which the principle of the Bill was calculated to remove. He would not say that an improper or corrupt influence had operated on their lordships in a single instance; his regard for the honour and dignity of that House prevented him from entertaining such an idea; but so far as proving the existence of such an influence as that described, he trusted that no person could now seriously call it in question.

Well, if the principle was clearly shewn to exist, the next point to be settled was, how far the provisions of the present Bill applied, and in what manner it was likely to operate. This second part, respecting the application, had been strongly combated by a learned lord who spoke lately, (lord Mansfield.) His lordship described it, as well as the other learned lord, to be fraught with singular hardship. He said that all contracts were binding upon the parties, according to their nature and objects. Most certainly, it was not attempted to be controverted; and that contracts well and faithfully performed, agreeably to the conditions on which they were entered into, answered every purpose intended, whether made with a member of parliament or any other person; while on the other hand, if violated on the part of the contractor, they were *ipso facto* vacated, and the contractor liable to be compelled to make good all the damages sustained by the public; to which the learned lord tacked two observations; first, whether it was not better to enter into an agreement with a merchant of opulence, reputation, and high mercantile character, though a member of parliament, than to a person who was destitute of those essential requisites in a contractor; and in case of failure on the part of the latter, if it would not be right and prudent for goverment to have a person to be responsible, who would be able to make good the damages sustained by the public. So far as those arguments applied to a case really existing, he was ready to subscribe to them without reserve; but it remained to be proved that they applied at all in the present instance.

The learned lord who first rose, called in several collateral arguments to his assistance. He called the Bill a miscellaneous Bill, and attempted to demonstrate the incongruity of its several parts. To all this part of the learned lord's argument there was a short answer at hand, and if his lordship had reflected a single instant, he might have saved himself a good deal of trouble, and the House much time; for he would immediately have discovered, that he was debating the clauses of the Bill on the second reading, which could be only regularly discussed in a committee, while he neglected the principle, which was the only subject under consideration. The learned lord, in another part of his speech, denied the existence of the principle, namely, that members of parliament, enjoying contracts, were influenced in their parliamentary conduct, and in the votes which they gave upon great national questions. It was a matter which he wished to treat with some degree of delicacy, because assertion would bear the appearance of accusation. The number of public contractors were well known, and any observation made on that body, would carry with it a personal tendency. It was not his intention to point to any particular person or persons. He believed many of them were worthy, honest men; but it was the general principle of temptation, against which the Bill was intended to militate, because the means offered or held out of amassing, within a few years, a princely fortune, a fortune ample enough to exceed in opulence even a modern nabob, were sufficient, considering the forcible impressions made by a man's family and friends, to

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stagger the most firm and decided characters. Some men were weak, some fond of indulging themselves in splendour and every species of luxury; others again were griping and avaricious. Were not these temptations? Was any man exempt almost from temptation of one kind or another? Even some of those meant to be excluded by the Bill from a seat in parliament, might, and probably had, been operated upon by gratitude, by considerations merely personal. Want, distress, and domestic embarrassments, were incentives which never failed to work powerfully: and, without wishing to controvert the high eulogiums paid by the learned lord on the woolsack, and his account of the immense opulence of the whole body of contractors, it required much more proof of this latter assertion than perhaps the learned lord was aware of.

He should crave their lordships' indulgence for endeavouring to fix their attention to what he believed, out of that assembly, no man pretended to call in question. For his own part, so long as he had any knowledge of public affairs, he had seen so many instances of corruption, and its effects on parliament, that he could hardly believe the learned lord was serious. He had himself seen so many instances, within the last 20 years, both in and out of office, that he had long since perceived the necessity of putting a stop to it. Thank God, as far as his means or poor capacity could be exerted, he had uniformly set his face against it, and would, he trusted, as long as he lived: he begged leave to assure their lordships, that correcting, or rather extirpating this dangerous source of all our national misfortunes, constituted one of the prime inducements for his taking a part in the present administration.

The learned lord, he observed, had spoken with great ability and accuracy respecting the nature of a mixed constitution, and the necessity there was for preserving an exact equilibrium between the different branches of the legislature, to all which he most heartily subscribed; but any government supported or assisted by corruption must, in his opinion, at length destroy itself, and suffer annihilation: and for his part, he would prefer monarchy to a mixed government, if the latter was to have no other basis for its support. He believed, without being charged justly, with throwing out personal reflections, that the corruption he had been describing was never carried to a greater length than during the late administration. It had, more or less, insinuated itself into every part almost of the executive government. Indeed, if it had not, a paradox sufficient to excite the astonishment of mankind would have presented itself to the political world—great majorities supporting an administration who had led the nation to—he would not say destruction, but to the very verge of it.

After resisting the immediate attempts of the common enemy, he begged leave to repeat, that his prime inducement to accept of the present seat he occupied, was the extirpating corruption, or gradually lopping off its several branches, till the whole could be rooted up, or rather the defence of the kingdom, retrieving its honour, and bringing back the constitution to its original tone, formed one great object. His colleagues in office were, he was persuaded, led by the same motives. They entered into the King's councils with a firm and unanimous resolution to reform as much as possible, to promote public œconomy, and to give their sovereign and the nation such proofs of their sincerity and public integrity, as must put it out of the power of any set of men to deprive them of their only means of solid support.

The learned lord, at his opening, had appealed to every description of persons in that House. He had called upon the noble lords who opposed it, about two years since, to act the same part over again. He said, it would be deserting their former opinions, and would ultimately lay them open to the animadversions of those without doors: this, he must confess, was a novel language to the ears of parliament; it meant a great deal, or amounted to so many words, which were not intended to convey any determinate idea. The learned lord, while he was contending for the necessity of free debate, and free judgment, endeavoured in the same breath to tie down noble lords to opinions, which by no means applied in the present instance, allowing that they had been ever well founded. The Bill which their lordships rejected was a different one from that now before them. It was unconnected with any other specific measure. Its operation was limited within a very narrow circle, comparatively speaking. Was that the case now? By no means. The present law was to be followed by another, respecting the votes of Custom-house offi-

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cers. This was to be followed by a general plan or Bill of reform. To effectuate so great and important a work was what invited the present men into office. Should the Bill therefore be thrown out, that event would determine the fate of all the rest, and from the very moment that event should take place, there would be an end of the present administration; they would be no more. Having failed in their expectations, or not having been able to carry into execution the plans which, while out of office, they had recommended to those in power, the nation could no longer look up to them; and, such being the case, he was free to say, corrupt and incapable as the last administration might have been, he would recommend to have them called again into power. They might, possibly, amend; but the present administration could not, with propriety, remain for a single day in office; and that for the best of all reasons, because, not having been able to obtain the confidence of that House, nor of course to carry on the public business, they might do their country great harm, without a possibility of rendering it any service.

Viscount *Townshend* said, there was no man had a higher veneration for the constitution and the original principles on which it was framed, than he had, and he was convinced there was nothing so effectually contributed to its preservation, as preserving the three branches of the legislature separate, distinct, and independent; so that if the Commons, for instance, offered to encroach upon either of the other two, that House should stand up as a wall or barrier, to prevent the mischiefs which might, nay must ensue, from the invasion of the rights of the crown, and their own indisputable privileges. He would, he declared, be the first to assist in raising such a wall: but he looked upon the present case by no means as coming within that description. The evil intended to be removed, or prevented, every person in the least acquainted with contracts or contractors, well knew. They knew that the minister of the day always created an influence by the disposal of contracts. He was no stranger to the operations of such a kind of bias hanging on the minds of men, and it was vain now to deny it. He was at present out of office, and totally unconnected with the present administration; he was therefore unbiassed by hopes and fears. The measure was no more than a beginning, and formed but a part, as he understood, of a general reform, of great extent and importance, which furnished him with another argument, as well as inducement for giving the Bill his support; because he thought if the present essay should miscarry, it would entirely set aside and defeat the other much more important objects of reformation, which had within a very few days been announced by ministers, both by a communication from the throne, and a Bill, which at that instant was, he presumed, before their lordships. The learned lord who so warmly opposed the Bill, he was persuaded acted upon principle; but either his lordship was not properly informed on the subject, or he mixed those objections against sending the Bill to a committee, which should have been only urged after the Bill should have got there.

The Bishop of *Chester* (Dr. Porteous) gave the persons who originally moved, framed, and agitated the Bill, full credit for the best intentions. He admitted that giving contracts of an inordinate size to members of parliament, might be attended with improper consequences, and therefore be fit to be provided against; but he could not think that all the provisoes of the Bill were founded in wisdom, expediency, or justice. He circumstantially stated the particular reasons that had induced him to entertain such an opinion, and quoted a declaration of Mr. Fox, in the other House on a particular occasion, that served to illustrate his argument. He observed upon the motion, that had formerly passed in the Commons, respecting the increase of the influence of the crown, and reminded their lordships, that nevertheless, although Mr. Fox had declared, that the late minister had been supported by a considerable majority of the independent landed gentlemen, yet when the crisis arrived, that respectable majority deserted him; and the minister, with all the royal influence, so much the subject of declamation of late, was overthrown. His lordship declared the new ministry had his good wishes, and should have his hearty support on every occasion where he thought their measures wise; he hoped, nevertheless, that they would excuse his differing from them on particular constitutional points, where his opinion ran counter to theirs.

The Duke of *Grafton* said, he had heard the learned lord who first rose to the question, with that degree of attention his

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opinions and arguments always challenged, as well as the other learned lord who spoke later, and owned he was much surprised to hear both the learned lords so strongly contend that contracts were not in their nature calculated to create influence; and if they were, that the present Bill would by no means operate so as to remedy the evil. He believed the fact was notoriously known to be otherwise. He might appeal to a noble lord (pointing to lord Rockingham) who presided formerly at the Treasury, and had been lately called into the same situation, whether a particular attention was not frequently expected from the person who united in his character that of a member of the House and contractor? He would not pretend to answer for others, but this he could honestly declare, that while he had the honour of a first seat at the Treasury Board, he was made frequently to feel the influence and weight of those contractors who were members of parliament. He was much pleased to hear the reverend prelate express so favourable an opinion of human nature in general, and of the whole race of contractors in particular; and he should be one of the first to adopt the learned prelate's sentiments, had not his lordship confessed that he was totally ignorant of politics, a science so foreign to his habits and pursuits: and farther, that he was little acquainted with any other transactions than such as were limited within the narrow circle of his pastoral duty. He was perfectly satisfied of the truth and candour of this public acknowledgment, for it was self-evident to him, if the reverend prelate had mixed more with the world, or had neglected the performance of the duties annexed to his pastoral function, and the spiritual care committed to his charge, he would soon discover, that influence did exist, and that in a most enormous degree. Nay, his discoveries would not end here; he would shortly perceive, that it had spread through almost every class of men, in one shape or other. The learned lord on the woolsack, with his wonted ability, had considered the Bill as incongruous in all its parts, and as carrying absurdity on the very face of it; and farther, as if framed in order to answer the views of some particular persons. For his part, he was at a loss to guess the learned lord's meaning. In his apprehension, the Bill was solely calculated to answer public, and not private purposes; and to sacrifice the legitimate interests of a few individuals, in order to promote those of the community at large. The same learned lord had called upon those who rejected a Bill, under a similar title, two years since, to preserve their character of consistency, by voting for the rejection of it, under its present form. If such an argument held good in any given situation, it was by no means applicable on the present occasion. The parliament was just on the eve of a general election, when the Bill passed the other House. A great minister at the time said, the people were mad with a spirit of liberty. The two Bills, though the same in principle, differed very materially in the provisions; and a variety of circumstances had intervened, which totally altered the measure in the opinions of those most inimical to the Bill, when first offered to their lordships' consideration; so that no person, who distinguished between times, facts, and circumstances, could be charged with a breach of consistency, though he should now give his support to a Bill which, on a former occasion, had not met with his approbation. His grace concluded with broadly contending, that the Bill was intended by the other House, as a law of regulation, the operation of which would be exclusively confined to their own body. He therefore submitted, with all due deference, whether it would be prudent to oppose the other House, in a matter merely respecting the regulation of its own members. He did not wish to urge this argument farther than it would fairly bear him out. He was fully convinced of the necessity, that that House, let the object of legislation be what it might, were equally interested and competent to decide, by approving or rejecting all laws offered to their consideration. But then he would recommend to noble lords, seriously to reflect, that although the power was not controverted, they were bound to exercise it wisely and moderately; and not in a case where the good or evil resulting from such a measure was at best doubtful, or rather of no very great importance in itself, risk a breach with the other deliberative branch of the legislature; or at all events give birth to a spirit of ill humour, which had always proved so detrimental to the carrying on of public business, when it had unfortunately happened to be the case.

Lord *Fauconberg* spoke in reply to the general call made by the learned lord on the woolsack, to noble lords, not to desert

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their former opinions respecting the present measure; for he could fairly say for himself, that though he voted for the rejection of a Bill, somewhat of a similar nature, the present should meet with his warmest support; and yet he could add, as an honest man, after examining his conscience, that at both times he acted agreeably to it.

The Marquis of *Carmarthen* supported the Bill. His lordship remarked, that though the reverend prelate had said, that the late ministers were supported by the landed interest, and that at length the country gentlemen abandoned the minister, and overturned the much-talked-of influence of the crown, he had not said one syllable, to shew that till the last moment the contractors were not in the minister's suite; an evident proof of the improper use of undue influence, and of the probable salutary effect of the Bill under consideration.

Earl *Gower* said, he was sorry that the objections which he had to this Bill would force him to vote against it, as he sincerely desired to give the utmost countenance and support to his Majesty's present ministers, whose great abilities he reverenced, and from whose zeal and ardour the most happy effects were to be expected. The most alarming thing which he had heard on that day, was from the learned lord, that if these Bills of reform should not pass, they would retire from their situations. He hoped they would not think of any such measure, but assure themselves of a solid and permanent establishment, while they pursued the vigorous system which they had so successfully begun.

Lord *Sandys* disapproved of the measure. He said it was fraught with severity, and went to inflict a punishment upon persons who, for ought that appeared to the contrary, were perfectly innocent.

The Duke of *Chandos* rose to express the shame and mortification he felt, at witnessing so strong an opposition to the first measure of the new ministry, and that measure a Bill of œconomy and reform. He hoped that House would not continue to oppose every effort to serve the country, and especially the laudable endeavours of his Majesty's present servants to regain the confidence of the people to parliament; such was the critical situation of public affairs; measures of regulation must take place, and if their lordships obstinately persevered in impeding such measures, that House would have to answer for the consequences.

Viscount *Dudley*, in answer to the remarks of the learned lord who had spoke last, about the difference of reward paid to a mute and eloquent speaker, observed, there were no great number of orators in the list of the members of parliament holding contracts under government, then lying on the table.

Lord *Ravensworth* supported the Bill, and very fully reasoned upon what struck him as arguments in favour of it. His lordship said, that the declaration of earl Gower that he meant to support the new ministers, afforded him more satisfaction than all he had heard that day.

The Earl of *Shelburne* said, it would be extremely unreasonable in him, at that late hour of the night, to attempt to intrude on their lordships by a long discussion of what had undergone so full a debate: but as a few strong facts occurred to his mind, which had not been mentioned, he thought it incumbent on him to state them to the House. His lordship then mentioned various circumstances in proof of the illegitimate lucre arising from contracts, and the presumptive prodigality with which they had been distributed. In particular, he took notice of the contractors' splendid palaces, that stared you in the face in the counties all round the metropolis; the sumptuousness and expence with which they were known to live, the enormous purchases that they were perpetually heard to make, and the costly stile in which they all notoriously moved, fell, he said, little short of that of the most successful nabob. As one proof of the extravagant and improper profits of their contracts, he mentioned the modern custom of sharing one contract between seven or eight persons, and asked, whether every noble lord who heard him, did not feel, that the practice could not have prevailed under a government, professedly intent on economy, because it must be obvious to all, that where a contract was made with one person, the lowest terms were likely to be obtained for the public. He mentioned also the duty of a minister with regard to the article of contracting, and said he highly approved of what an eminent and distinguished character, a noble and learned lord (Mansfield) had that day said upon the subject, viz. that the contract ought not to be given to the lowest, but to the most solvent bidder. This rule was a wise one, and if the ministers did not attend to it, most fatal would be the consequences to the public.

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He would only add to it, that the most unconnected bidder ought also to be studiously sought out, because in all probability that description of bidders was most likely to serve the public with the best commodity and at the cheapest rate. In proof of the abuse of modern contracts, he declared nothing was more notorious. The abuse was scandalous in the highest degree; there was scarcely one respecting which the loudest complaints had not been urged. There was scarcely an officer in the army, who was not clamorous on the subject. The contract for the powder for our navy, was abominably mis-served; others were equally mis-served, and it was evident, the whole was a system of jobbing, a system of imposition, and a system of fraud. His lordship took notice of the bishop of Chester's apology for his differing in opinion from ministry on the present occasion, and said, he hoped to God the learned prelate, and every noble lord in that House, would always feel themselves at liberty to speak their sentiments in every debate without reserve. He had always done so himself in every situation, and he always would do so. While in opposition, he had often stood up the advocate of the crown and its prerogative; now he was in office, he would always stand up, as often as occasion offered, the advocate of the people and their privileges. He was a zealous friend to real freedom, and he ever wished to preserve the true constitutional balance of power. It gave him pleasure that day to see the learned lord who begun the debate, so freely and firmly delivering his sentiments, though they happened, unfortunately for him and the Bill, to differ from his own. All his wish was, in supporting the Bill, to restore the purity of the constitution; he had the matter much at heart; he should pursue it with zeal, but the greater part of the plan must be expected from office, where they were now maturing, and whence they would soon be brought forward.

The House divided, for the second reading, Contents, 67; proxies, 3:—70. Not-contents, 39; proxies, 6—45. Majority 25.

May 6. The House having resolved itself into a Committee on the Contractors' Bill,

Lord *Ashburton* rose, and after prefacing his motion with a few short arguments, to shew the hardship which must attend such gentlemen, members of the other House, as had timber, iron, copper, or any other product on their estates, and who would, in case the Bill, in its present form, should be passed into a law, be debarred from entering into any engagement with government, or be deemed as coming within the description of contractors, and be debarred from sitting as members of the other House, without incurring the penalties and disabilities created by the Bill, proceeded to explain himself. Several persons of very great property, he observed, were concerned in manufactures, either by inheritance, or marriage, or representation. Those partnerships had been long in the habit of contracting with government, which they had served upon terms of a very advantageous kind. Such was the case of the representatives of Mrs. Crawley, of the Carron Company, and several other great and extensive manufactories, established in many parts of the kingdom. His lordship urged some other reasons of less consequence, and after the preamble, as usual, had been postponed, moved, that the following exception should be inserted after the general enacting, exclusive paragraph of all contractors contained in the first clause: "Unless in the case where such persons, so contracting, shall bargain or sell nothing but the growth, product, or manufacture of their own estates." This amendment produced a debate of upwards of two hours continuance, frequently assuming a new form; sometimes degenerating into a desultory conversation; at others, bearing all the features of a regular digested debate.

The *Lord Chancellor* said, he had many solid objections to urge against several matters contained in the provisions of the Bill. The learned lord had, with a real wish to render the Bill more palatable, endeavoured to remove one of the chief ones he entertained against it; but, though the amendment was intended to operate in behalf of the persons described in his motion, when the same was considered and examined, in relation to other parts of the clause, the amendment would either defeat itself, or have no operation at all; for in another part of the same clause it was provided, that if any person sold to, or connected himself with a person who had a contract with government, such person was to be deemed, to all intents, and purposes, a contractor, as much as if he contracted in his own person. It

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was true, the passage, he believed, was not so worded, but the words, as applying to contracts, were so general, that coupling the phrase "directly or indirectly" with the enacting clause, it was impossible to foresee, to what a length it might be stretched. He did not pretend to point out its construction, if brought before a court of law; but this he would aver, that it would present a popular ground, for contending that a gentleman selling the growth, product, or manufacture of his estate to a known contractor with government, might be so interpreted, under the present Bill, if it should pass into a law, that the sale of the proprietor might be found by an ingenious man to amount to a contract with government, upon the literal and precise meaning of the words "directly or indirectly."

Lord *Grantley* supported the amendment, contending, that the clause, when thus amended, could never admit of such a construction. The exception sttated by his learned friend was clear, precise, and determinate for the purposes expressed in the very face of it. For what did it say? that the exception should exist under such and such circumstances; beyond that line it was not, and could not operate in the cases of growth, product, and manufacture. If in any other instance the persons so described offered to transgress the law, they would be liable, and very properly so, in every other instance, not expressly excepted or stated in the amendment.

The *Lord Chancellor* recurred to several of his former arguments, and expressed himself pretty fully on the contents of the whole Bill. He said, he had heard nothing to induce him to change his opinion: that undoubtedly it was a jumble of contradictions, and would, in his opinion, be productive of great confusion.

Lord *Loughborough* proposed to amend the amendment, by adding another, which disclosed a scene little known by the public in general, namely, that a very considerable number of the members of that House were in fact merchants, or rather traders in partnership. He stated that most of the Indiamen owed their being built to their liberal subscriptions: that they advanced money previous to the laying of the keel of the ship, and paid in their respective shares regularly, agreeably to the progress of the vessel, and drew regular profits, like any other trading partnership, for freight to the East Indies in and out. He therefore thought it would be extremely necessary to add the word "ships," otherwise he was persuaded many members of both Houses would be prevented from sitting or voting in parliament. To elucidate this curious business, and let it down more on a level to the understandings of the House, his lordship put the following no less curious case. He supposed that of the ships sent to India this year the ships-husbands might give liberty to the captains to enter into contracts with government in the country, of which the husbands, owners, lords, or gentlemen would of course be totally ignorant; yet if there was not an exception introduced into the present clause, the noble or honourable persons would be bound by the act of the ships-husbands, and be liable to the penalties and disabilities provided by the Act. He would not confine the amendment to a particular description of shipping, for he thought that it should extend to generals, being credibly informed, that there was scarce a keel of a large ship, West India-men, Greenland-men, &c. laid in the river, in which persons of rank and character, possessing great landed property, were not partners or sharers.

The Duke of *Grafton* supported the first amendment with great energy. He said many of the gentlemen, and other persons, who would be affected if the present clause were not adopted, came to the possession of this species of property by inheritance, and that it would be to the last degree oppressive, nay cruel, to deal out a measure of punishment for them in case they acted agreeably to the nature of their situation. It could not be expected, that persons so circumstanced could, or ought to be, operated upon, by a compulsive law, to abandon their property, or suffer a punishment for an act not more criminal than their being born, or succeeding to a paternal inheritance. After arguing this point, he declared the first amendment met with his hearty approbation.

The Earl of *Derby* said, the amendment, if agreed to, would effectually defeat the Bill, and answer every purpose of its declared enemies. The noble duke had supported the amendment with his usual ability, and with that degree of candour for which he was so justly distinguished, but when his grace spoke of gentlemen having great quantities of timber, iron, copper, &c. to dispose of, and sup-

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posed that this Bill would deprive them of the means of parting with them to advantage, he would assure the noble duke, that his apprehensions were not founded; experience had enabled him to speak with some degree of confidence on the subject. He had himself growth and produce to part with, and found that the commodities always met the level of the market; that is, among a variety of bidders, the full value was offered, and he made his option by uniting at once the opulence and responsibility of the purchaser, with the extent or amount of the price offered, by which means he did not believe that he had been imposed upon in a single instance. But were he a contractor favoured by government, and willing to seek more than the market price, most certainly he would never deign to consider the intrinsic value of the commodity at market. No, he would make his own terms, he would fix his price, he would blend his senatorial with his mercantile character, or that of a land owner, and profit by his situation.

The Duke of *Richmond* observed, that an amendment was obviously wanting to be made in the same clause in the Bill as it originally stood, when it was sent up by the other House; that was, where the Bill created the disabilities, &c. in the following words: "contracted and employed." His grace contended, that the conjunctive 'and' united the two conditions intimately, according to the rules of grammatical construction: that contracting alone disqualified no person; nor being employed by government in providing, &c. for its exigencies; that a member of parliament might contract till doomsday if he did not employ, or employ if he did not contract. Now, in his opinion, the phrase, to answer the intention of the framers, should run disjunctively, so that contracting in the first instance, or employing another to act for him, would separately constitute the offence meant to be created by the Bill. The Lord Chancellor met this amendment very strongly, contending that the words "directly or indirectly" had totally done away the objection. Lord Grantley insisted that the word 'and' knit the conditions so inseparably together, that no other part of the clause could possibly cure the disease. In the course of this conversation frequent contradictions arose between the Lord Chancellor and lord Grantley, which were productive of heat, and a warmth approaching to asperity. This continued for near an hour. At length most of the noble disputants assembled round the table, and a compromise took place, contrary to the first opinion given by the Lord Chancellor, that as the learned lord's proposed amendment was in line 8, and that proposed by the noble duke in line 3, it was against the established rule of parliamentary proceeding, to admit any retrospective amendment in a committee. Their lordships then proceeded to amend the clause, which took place without any opposition, in a variety of instances, till at length they came to the paragraphs which they had been debating the whole evening. The first division was on the duke of Richmond's motion to substitute "or" for "and"; Contents, 45; Not-contents 16. The second upon lord Ashburton's amendment, respecting "growth, product, or maufacture," upon which lord King moved to leave out the word "manufacture," Contents, 27; Not-contents 25. The third and last was on the rejection of the whole clause thus amended, Contents, 15; Not-contents, 25.

Cricklade Election Bill.] May 3. On the order of the day for the second reading of the Bill for preventing Bribery and Corruption in the election of members to serve in parliament for the borough of Cricklade,

The Duke of *Richmond* begged to offer an observation or two on the intended mode of proceeding. He said nothing was more desirable than expedition in conducting public business, when that expedition did not trench upon either the forms of parliamentary usage, or tended to violate substantial justice, which he flattered himself would be best answered by the proposition he meant to submit to their lordships; and ultimately it would serve as a guide or landmark to direct the House in the further progress of the Bill. Before, therefore, any of the witnesses were called in, he begged permission of the House to put the following question to the counsel against the Bill: namely, "That they be directed to inform the House in what stage of the Bill they meant to give it opposition." Besides the general motive for preserving order and regularity in their lordships' proceedings, he had another object in view, that of precluding endless disputes and litigations, respecting mere questions of order, as well as to prevent the Bill from ever passing into a

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law, so long as evidence could be brought to their lordships' bar, to urge suggestions which might furnish new subjects of argument.

The *Lord Chancellor* opposed the motion on several grounds, particularly on the score of informality and injustice: he would not affirm with confidence, but from every thing he had ever read or observed, respecting the form of their lordships' proceeding, he fancied no attempt of the kind, to restrain counsel, had ever been made before, or any obligation laid upon them to make their option in such a stage of the business: he did not pretend to be as conversant in order as the noble duke, but in his apprehension, a petitioner, who found himself affected in the event of a Bill passing into a law, or felt himself injured or aggrieved in either his character, his fortune, or personal rights, was entitled to be heard in any stage of the Bill he might think fit, either at the second reading, in the committee, on the report, or the third reading. The Bill, if he was not dull or blindly obstinate, would operate as a Bill of pains and penalties; for what did it propose, even according to the purport declared on the very face of it, but that the innocent voters of the town of Cricklade were to be punished, because, taking the fact to be true, notorious corruption had been practised at the late election for Cricklade; so far the preamble went, and no farther.

The Earl of *Mansfield* declared himself of the same opinion, as to the general principle, and added, that it was equally a principle of law and justice, as well in the high court of parliament as in the courts below, never to deny a person charged with the commission of a crime every reasonable means of defending himself, when the consequence of the charge, should it remain undisproved, would bring after it some one species of punishment, no matter whether under the denomination of suffering pains and penalties, or the deprivation of a right, which was exactly the case in the present Bill.

Lord *Grantley* contended that the motion made by the noble duke was perfectly within order; that most certainly the counsel might be restrained, and obliged to make their option, because, in fact, they had no right to be heard in any stage of the Bill, but one. The only object of the noble duke's motion was, to restrain them within the full exercise of a right, the being heard in some stage of the Bill, and no more, in order to prevent their opposition to it from being rendered perpetual.

The Duke of *Richmond* made several pointed remarks on the Lord Chancellor's speech. He contended, that the learned lord was mistaken when he called the present, a Bill of pains and penalties; for it did not bear the most distant resemblance. Indeed, the affair of Shoreham might be so called, as many persons were disfranchised by name, for crimes charged upon them, and disqualified ever after from voting for members for that town, and the rape of Bramber to which it was annexed. Was that the case here? by no means: no right was meant or offered to be taken away. No person was to be punished in any shape whatever. The most the learned lord could make of his Bill of pains and penalties was merely this, that, those who had heretofore exercised the right of voting within the borough of Cricklade, would not have it in their power in future to part with their votes for money, if they were venal and corrupt; if not, no right was taken away that an honest man would wish to retain, because he would still preserve his franchise. An incorrupt and independent man could not be supposed to feel any disappointment on the occasion; and he presumed no person in that assembly would rise and say, it was cruel to punish a corrupt voter, and spoil his market, by rendering his vote of less value, by increasing the number of electors.

The *Lord Chancellor* said, a noble lord had asserted without reserve, that no person, or body of men, could be heard against a Bill, in the event of which they were interested, but once. To this he begged leave to give an unqualified contradiction, because, unequal as he was to enter the lists with that noble lord, respecting the usages of parliament, the records on their lordships' table furnished repeated proofs, that petitioners had been heard in more than one stage. His lordship cited several precedents, to demonstrate that counsel were left at liberty to be heard at any one stage of the Bill they pleased; particularly when the punishments meant to be inflicted amounted to pains and penalties, or any higher measure of punishment: his lordship instanced the case of sir John Fenwick; of the directors and others concerned in the South Sea scheme; of the Charitable Corporation; and, lastly, the cases of bishop Atterbury and lord Macclesfield; in every one of

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these cases the mode of proceeding varied; sometimes counsel were heard immediately on the first reading of the Bill: at others, on the second reading; again in a committee; and, lastly, he was clearly of opinion that the third reading, in some instances, might not be too late. Notwithstanding the great abilities of the noble duke, he must still continue to think, that throwing open the right of voting to those who had no claim to it, would, to all intents and purposes, operate as a punishment upon such of the burgesses of Cricklade as had not forfeited that right by any criminal act of their own.

Lord *Grantley* was astonished, how it was possible for the learned lord, so totally to misconceive his meaning, or misrepresent his words. His lordship had specifically stated the words he thought fit to impute to him, from which he appealed to the judgment of the House to know whether he had said, "that counsel were always restrained, and obliged to make their option; and that they could not, under any given circumstances, be heard in any stage but one." Nothing could be further from his thoughts, or more contrary to his experience. What he said was simply this, that counsel could not be heard but in one stage, unless new matter were suggested, and then it rested in the discretion of the House, whether or not the suggestions were such as entitled the petitioners to be heard a second time, or in two different stages.

Lord *Ashburton* perfectly agreed with his learned friend as to the last principle he laid down, that the permitting counsel to be heard twice in the course of the same Bill, to the same points, was a matter of mere indulgence, and totally discretional: but, as this question was not now, in his opinion, at all before the House, he recommended to both his learned friends, to decline farther controversy on the subject, till the question in debate furnished an opportunity of discussing it.

The Duke of *Richmond* replied with some heat, charging the learned lord on the woolsack with opposing indiscriminately every measure of regulation or improvement which was laid before the House.

The *Lord Chancellor* complained of the asperity with which he had been treated by the noble duke, and said, he thought it rather a peculiar hardship, that his manner, that of a plain man, who studied nothing but to convey his sentiments clearly and intelligibly, should be imputed to him, as if arising from motives of indiscriminate opposition, or to intentional rudeness.

The debate continued for a considerable time longer, till the duke of Richmond at length consented to withdraw his motion, which put an end to a very sharp altercation, that had lasted upwards of two hours. The witnesses were then called for, and first, John Skilling, the parish-clerk of Cricklade; but, after several enquiries, he was not to be found. The next was William Saunders. As soon as he was called to the bar, the duke of Richmond put the following question to him: "What was the general reputation respecting the distributing money, and corruption having been practised within the borough of Cricklade, at the late election?" To this the Lord Chancellor strongly objected, as it tended to criminate a whole body of men, without any better proof than report and floating opinions. His lordship was supported by lord Mansfield, who contended, that permitting such a question to be put, would be contrary to the very elements of law and justice. The duke of Richmond answered the two learned lords, and challenged either of them to adduce a single precedent, or reason, why the present Bill should be deemed a law of punishment. It did not take away the rights of a single individual, and must appear in the contemplation of every man, who was not pre-determined to oppose it, in its only true and genuine light, a law of political regulation designed to lower the value of a venal vote for the borough of Cricklade in future, so as to cut up by the roots those seeds of corruption which had produced so repeatedly, within the course of the last half century, a professed system of venality, unparalleled almost in any other borough in the kingdom. The Lord Chancellor adhering to his opinion, put the question, whether the said question should be asked, on which the House divided. Contents, 17; Not Contents, 20. So that his grace was left in a minority of 3. The duke of Richmond next put the following question: "whether he (the witness) believed corruption had been practised at the late election, &c." To this likewise the Lord Chancellor objected, on the same ground. This brought on similar arguments as the foregoing; but his grace's proposition was negatived without a division.

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His grace then proceeded in his examination of Saunders, and three other witnesses, who knew very little, or refused to tell it if they knew more. It was in the course of this examination that lord Fortescue rose, and said, that what he long dreaded had actually come to pass, namely, that the dignity of that House would be lowered and tarnished by the profusion of lawyers which time might occasionally introduce into it. It was no longer a House of Lords or Peers; it was converted into a mere court of law, where all the solid and honourable principles of truth and justice were shamefully sacrificed to the low, pettifogging chicanery and quibbles used in Westminster-hall. That once venerable, dignified, and august assembly, resembled more a meeting of attornies than a House of Parliament. It brought strongly to his recollection a Cornish court, where, for the want of barristers, attornies are permitted to assume that character. The learned lord on the woolsack seemed to be fraught with nothing but contradictions and law subtleties, and distinctions, and all that. He said, he had ever kept the several administrations of this country at a distance: he could aver, he had not attended a minister's levee, till very lately, for the last forty years; yet though he was willing to give the present his support, he no longer pledged himself to it than he should think they deserved it. He could not avoid acknowledging that they came into office upon the most honourable and laudable of all motives, the approbation of their sovereign, and the confidence of the great body of the nation. It therefore filled his breast with indignation when he beheld such men, day after day, thwarted and opposed by men, whom, he was not ashamed again to repeat, resembled more a set of Cornish attornies than members of that House. To this speech no reply was made.

Gun, the master of the Swan inn, or alehouse, in Cricklade, was the last witness examined. He said, he had been present when several persons received five guineas a man in his presence, and that a much greater number had acknowledged that they had received such a sum, for voting at the late election. The duke of Richmond read out of the Bill, the names of 130 persons, three or four excepted, whom the witness at the bar criminated on the ground just mentioned.

The further hearing of witnesses and of counsel against the Bill was put off to the 8th.

May 13. The order of the day, for the commitment of the Cricklade Election Bill, was read.

The Earl of *Mansfield* opposed its going to a committee on several grounds. He observed that it was a judicial Bill, or rather a legislative act, carried on agreeably to the rules of judicial proceeding, and that it was so considered by the established usages of parliament: that such acts were clearly distinguished from those deemed merely legislative, as no proxies were admitted or included in the numbers on a division, because judicial Bills were always presumed to affect the rights of persons, their lives, properties, and liberty. In debating the Bill, therefore, he should examine it as a Bill affecting the rights of certain persons; he should likewise consider their lordships, so far as the case applied, acting as a court of judicature, and consequently, in his opinion, they would have a right to demand all that species of proof deemed necessary, when the object was to enquire whether those supposed to be affected by the public judgment were liable to punishment; or whether, to gain a favourite purpose, the essential forms of law, and the established rules of justice, were to be violated. Agreeably to this mode of reasoning, he should ever think the present Bill grossly unjust. What did the preamble of the Bill say? That notorious bribery had been practised at the late election. What was the conclusion drawn from the premises so stated? That the same was likely to continue; and what was the grand conclusion of all; but that the present innocent electors of Cricklade, men against whom the colour of accusation had not been urged, were to be divested of their rights, rights hitherto by the constitution looked upon to be inalienable, for no other reason than that bribery and corruption had unfortunately been practised at the late election. Before, however, he proceeded farther, he should beg leave to trouble their lordships with an observation or two, which would serve to elucidate what he meant to offer in the course of his speech. The preamble stated the fact already mentioned; and though he was not prepared to say, for very obvious reasons, from his own supposed knowledge, that bribery had been committed at the said election, he was fully at liberty,

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in his place in that House, to affirm, that he believed there had. So far the fact in the preamble was established in his apprehension; but the conclusion from that fact appeared to him totally illogical, for to make sense of it, the word 'therefore' should have been inserted, and then common sense would be restored, in which the passage at present seemed to be entirely deficient. The preamble in that case would run thus: "notorious bribery, &c. having been practised, it is therefore likely that the same would continue," &c. Were he to judge, he should most certainly draw a very different conclusion; he should presume, that the late prosecutions for bribery, the great number of persons disabled by the convictions had against them, and the judgments entered up, would have a direct contrary effect from that which the Bill was to prevent. Like the scalded goose, who fled from the cold water, because she had suffered so severely from getting into the hot, their breasts would probably be filled with dread and horror at the approach of an election; and, instead of bargaining for their corrupt suffrages, they would much sooner fly twenty miles from the place, on the day of poll.—His lordship argued the matter of property on a very large ground, calling the Bill, in every true and substantial sense, a Bill of pains and penalties. He observed, in the first instance, that no right of voting existed in the borough, unless annexed to some species of property, which consisted of freehold, leases of lives, or three years certain. It was impossible, therefore, to extend the franchise to the limits described in the Bill, without affecting the property of the residents within the borough. He would never bear to be seriously told, that the property within the borough would not be affected by the franchise being multiplied. The contrary was known to be the case in a thousand instances; and he need not go farther than the borough of Helstone, where, he understood, the electors were now reduced to four, and who, he believed, would think themselves very hardly dealt by, so long as the charter continued, to have the franchise or power of sending two members to represent them in parliament, divided among or extended to the neighbouring parishes or hundreds.—His lordship insisted much upon another circumstance, which was, that the borough of Cricklade was not a body corporate, which in contemplation of law might, as the executive and deliberative power united, be made responsible in its aggregate capacity. It consisted merely of persons, such as he had described, possessing or holding freehold, or any other kind of property within the borough. Every individual elector stood upon his own particular ground, distinct from his brother elector; so much so, in his opinion, that out of the 203 voters for the said borough, if only one innocent man could be found, it would be enough to defeat the conclusion drawn from the preamble of the Bill. His lordship said, he could never bring himself to give his assent to a Bill, which professed on the very face of it to involve the innocent and the guilty in one indiscriminate punishment.

Lord *Porchester* apologized for troubling their lordships on a subject merely personal; but as he thought silence would amount to a confession of guilt, after what had fallen in the course of the progress of the Bill at the bar, from the counsel and the witnesses, as well as from those convictions to which the learned lord alluded in his speech, he trusted the House would indulge him with a few words by way of explanation, tending strongly, he hoped, to exculpate him from those cruel and ill founded charges which had been made against him. He now rose to give his honour, that he neither directly or indirectly, bribed, or caused to be bribed, any one elector or person entitled to vote for Cricklade, nor employed Bristow as his agent in that business. After repeating the same asseverations in respect of Bristow, to as full an extent, his lordship read, as part of his speech, a declaration upon oath made by the said Bristow, in which he affirmed that the noble lord was totally ignorant of every one step he had taken respecting the late election. He concluded by saying, that the verdicts obtained against him had either been obtained by incomplete evidence, or by false testimony.

The Duke of *Richmond* defended the Bill as a Bill of regulation, policy, and expediency. He remarked with no small degree of humour on the learned lord's simile about the scalded goose.

The *Lord Chancellor* considered the Bill in detail, and combated the principle and provisions of it. He was answered by lord Ashburton in a speech highly applauded above the bar, as he scarcely closed a sentence without several 'hear hims' from the opposite side of the House.

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Lord Loughborough contended that the franchise of voting was daily bought and sold, and was consequently a species of property. To limit, narrow, or restrain it, therefore, in his opinion, amounted to punishment, and fully justified what had been asserted, that the Bill was a Bill of pains and penalties.

The Duke of *Richmond* replied very fully to the learned lord who opened the debate. The learned lord contended, that the present was a judicial proceeding by way of Bill, and that proxies, as a proof of his assertion, were not permitted to be counted in the division, nor received. He was glad to hear it; he sincerely wished that proxies were rejected in all cases. He had seen strange use made of proxies; a very singular one, however, just then occurred to his memory, and he believed he had the noble lord in his eye who produced the proxy of another noble lord (Delaware) who at the time of its production was actually dead.—The learned lord had represented the present as a Bill of pains and penalties, upon the ground that the right of voting, being annexed to property, became a matter of property itself; that to extend the franchise was to diminish its value, and to diminish the value was in fact to trench upon the rights and property of innocent men, for such several of the voters of Cricklade had a right to be considered, as their constituent integrity had not been so much as called in question. The learned lord considered the franchise as a matter of property. Even so, the present Bill by no means affected it. That people who had been convicted of bribery were thereby disabled from voting at future elections was certain; but that was by operation of law, in the courts below, upon the statute or common law; but with that, as the learned lord had ingenuously observed, the present Bill had nothing to do. But, said the noble lord, the franchise, if extended to other persons, renders that already vested in the present electors of less value; and if the franchise constitutes a part of the value of the freehold or leasehold interest, it certainly amounts to a loss of property, and the Bill may be considered so far as a Bill of pains and penalties. In his opinion the very contrary would be found to be strictly maintainable. The right of voting was not a vested right, to be held merely for the benefit of the possessor; but was a trust, for the faithful discharge of which he stood virtually bound to the public; and that very public who delegated the trust for the benefit of the whole community, were at all times, or as often as the occasion presented itself, fully competent to new model the frame and extent of the trust; or in the event of actual abuse, totally to withdraw it, either by transferring that right to others, to participate with them, or finally, if necessity should call for the measure, to annihilate the franchise. Trusts, from their nature, were all liable to abuse, which always furnished an unanswerable argument for measures of prevention when practicable; and in some cases justified the dissolving the connection between the public and its trustees. Apply this reasoning to the present Bill. Notorious bribery had been practised at the late election; and from past experience, the like might be expected again: here he could not help taking notice of the learned lord's curious attempt at logical criticism, contending that the word 'therefore' should have been introduced. Now, in his apprehension, there was no manner of occasion for it; for the fact on which the Bill was framed, was simply this, that notorious bribery and corruption had been practised, &c. The learned lord, indeed, had acknowledged as much; without therefore considering the votes of the electors as a marketable commodity, which would be depreciated in their value by the present Bill, the Bill was to be considered merely as a measure of political regulation, framed upon the fact stated in the preamble, and merely intended to operate as a measure of prevention, to put a stop to the repetition of such evils in time to come.—The learned lord had endeavoured already to meet this argument: "like the scalded goose," said the learned lord, "who avoided the cold water as well as the hot, the electors of Cricklade will feel a dread and horror at the approach of an election; they will run 20 miles from the place on the day of poll, and fly from a canvass or temptation, as they would from a plague, mortified and punished as they have been for their late malefactions." Now, if the learned lord was serious, it astonished him beyond measure; if he was not, the argument was such as did not deserve an answer; but taking it in the former sense, was not the probability directly the other way? might it not be rationally expected, that an escape under such circumstances of public delinquency, would operate as an encouragement to persevere? Had not

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the experience of the neighbouring boroughs, supposed to be equally profligate and corrupt, furnished the most unanswerable arguments, to shew that legal punishment had no other effect than seeming to harden them in their guilt; and that instead of being filled with fright or dismay at an approaching poll, the inhabitants or electors of those boroughs, with perhaps more caution, but acting upon similar principles, rejoiced at the approach of a general election? The learned lord had, in comparing the Shoreham Bill with the present, furnished him with an argument in favour of the latter, of which he was not aware. He had fully confirmed every thing almost which could be urged in behalf of the measure now under consideration; for, he believed, time out of mind previous to the passing of that Bill, the borough of New Shoreham had been represented by some East or West Indian, and not by the neighbouring country gentlemen. He well remembered an expression of the late earl of Chatham, when the Bill came before their lordships, that New Shoreham was represented upon the banks of the Ganges; but, he trusted, it would be so no more. His lordship's expectations had been exactly fulfilled; upwards of 12 years had elapsed since the right of voting had been extended to the rape of Bramber, and a single instance had not occurred, in which the natural interest had been transferred to the Ganges, or beyond the limits of the neighbourhood. It had been uniformly represented by the gentlemen of the vicinage, or within the rape; and no attempt had been made by a nabob of any description, to bribe or corrupt;—a most powerful argument, he presumed, in favour of the present Bill. His grace, after shewing that that part of the Shoreham Bill which punished and disfranchised the members, called the Christian Society, was, in fact, a Bill of pains and penalties; pointed out the difference between that and the present, where no man was specifically accused or punished, and where, taking the matter in the largest sense, the Bill could be only considered as a Bill of political regulation, modifying the exercise of a trust to the benefit of that public which delegated it.

The *Lord Chancellor* entirely coincided with the learned lord who spoke first, as to the law doctrines laid down by him. He conceived the Bill, though legislative in its ultimate object, to be strictly tied down to the rules observed in judicial proceedings, whether the same was likely to affect the lives, properties, or liberties of the persons concerned. With all his industry, he could not bring himself to consider the Bill in any other light but as a Bill of pains and penalties. There was no person within hearing held the noble duke's abilities and political integrity in higher estimation than he did; he had often been witness when his grace exhibited the fullest proofs of them, and scarce a day passed which did not furnish fresh ones; but still, unequal as he felt himself to enter the lists with the noble duke, in the discussion of a great and political question, not daring to trust to any thing but what led to bring home conviction to his own mind, a sense of duty, as well as common sense, compelled him to prefer his reason, however scantily dealt out, to the assertions or unsupported opinions of any other man, however high or respectable he might stand in the eye of the public. When, therefore, the noble duke called the present Bill, not a Bill of pains and penalties, but of regulation, of political expediency, if not necessity, and as forming a part only, and a small one, of a very extensive plan of public reformation, he confessed himself totally at a loss even so much as to conjecture what the noble duke meant. Before, therefore, he could give a decided opinion on the present measure, as connected with others that were to follow, it would be necessary to explain those which might be supposed to induce him to give his assent to the Bill under consideration, of which, standing as a single unconnected measure, he greatly disapproved. For instance, without such previous explanation, he should give his assent to the Bill merely on trust that other Bills, of a more extensive reform, were to follow it, but which he equally disapproved of. After having made one false step, he should find himself in the disagreeable predicament of treading it back again. He must confess, that all plans of reformation should be cautiously received; the removing of ancient foundations was always attended with danger, and was too often productive of mischief. It was not to be controverted that the legislature was competent to disfranchise this or that borough, or to take away the rights of individuals, or whole bodies of men, without adhering to any fixed system or rule for their conduct. Many instances of the kind were already on record: but it became their wisdom,

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justice, and discretion, not to abuse those high and transcendant powers which they were competent to exercise, and which the constitution had vested in them. It could not be denied but it was necessary to have a supreme or absolute power established in every form of government. In this country the constitution had happily placed it in the three estates; but if the question came to be fairly and nakedly considered, there did not exist a doubt in his mind, but this absolute power could alter the tenure of the crown itself, could new model that very House, by rendering it elective, instead of hereditary, and dispose of or abrogate the rights of the people. His lordship concluded with declaring, that the Bill, when the question came to be put, should meet from him a most hearty negative.

The question was at length put, that the Bill be committed, when the House divided: Contents, 47; Not-contents, 22. Majority, 25.

The King's Message respecting the Civil List Debt.] May 2. Lord John Cavendish brought up the following Message from his Majesty:

"G. *R.*

"His Majesty has found, with concern, that notwithstanding the two several payments of the civil list debt, and the subsequent increase of the civil list revenue, a considerable debt is since incurred; his Majesty, therefore, desires the advice and aid of the House of Commons as to the mode of discharging that debt, and preventing the like in future, without laying any new burthen on his people, whom it is ever his wish, as much as possible, to relieve. For these purposes his Majesty lays before the House the plan of reform which he has judged proper to make in his establishment to be perfected by the wisdom of parliament, for the honour of the crown, and the public benefit."

Lord *John Cavendish* observed, that the objections which some gentlemen had to reforms in the King's houshold, arose principally from delicacy, and a reluctance to intermeddle with the private or domestic expences of his Majesty: those motives must now disappear; there could be no longer any plea from delicacy, as the King was himself the first to propose the reform. The savings likely to be made by the plan, to which his Majesty had alluded, and which he should immediately lay before the House, would amount to 72,368*l.* per annum: a sum which would amply provide in time for the discharge of the present debt of the civil list, and the interest upon that debt. But gentlemen were not to suppose that the reform would stop here; this was only a specimen of that economy and reformation, which should be introduced into every department. He then moved an Address of thanks to his Majesty, for his gracious Message.

The Address was agreed to without opposition.

Debate in the Commons on Sir Thomas Rumbold's Restraining Bill, &c.] May 3. The Bill for restraining sir Thomas Rumbold and Mr. Perring from quitting the kingdom was committed.

The *Lord Advocate* said, that the framers of the Bill had adhered as closely as possible to that which had been brought in for locking up the estates of the persons concerned in the South Sea Company scheme; but as there was some difference between the present case, and that of the persons concerned in the South Sea Company scheme, so he found himself obliged to propose a clause, which that difference rendered absolutely necessary: in the one case, the property of the persons who were the objects of the Bill, was all in England; in the present case a part of it was very likely in India; in order therefore to discover it, he moved for leave to bring in a clause, which should compel the parties to deliver in upon oath an account of their property, to the chief baron of the Exchequer; and also to authorise the mayor's court at Calcutta to examine people upon oath as to the property of sir T. Rumbold, &c. and as a reward to those who should discover any concealed property belonging to the parties aforesaid, to allow them 9 per cent. on all such concealed sums as they should discover.

Sir *T. Rumbold* objected to the clause, as it would subject him to very uncommon hardships: the Bill then in the committee might well be called a punishment, as it went to lock up his property, and prevent him from alienating any part of it, if he should stand in need of it: it went also to compel him to give an account upon oath, of all he was worth in the world; this surely was a punishment; and yet he had not been permitted to make any defence to avert it: this might be called justice;

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but he could not call that justice, which inflicted punishment on a man, who had not been heard in his defence. He therefore laid his claim to a hearing, and said he would present a petition, praying to be heard by his counsel against the Bill. There was another thing, on which he thought it necessary to say a few words: he understood that it was industriously reported abroad, that a great part of his property lay in foreign funds: now he most solemnly declared to the House, that he had not in Europe sixpenny-worth of property that was not in Great Britain; nor had he any property whatsoever in China, as some people imagined; there was some in India; but when he should give in his account upon oath, the House would find that his wealth had been greatly exaggerated. As therefore the whole of his property lay within the dominions of Great Britain, there could be no occasion for imposing upon him, conditions which would subject him to perpetual imprisonment: he was to be bound himself in 100,000*l.* not to leave the kingdom, and to find two sureties to the same end in 50,000*l.* each. As to the sum in which he was to be bound himself, he had no objection to it, he did not care if it was greater; but as prejudices had been raised against him, he was sure he could not find two persons who would be bound for him in 50,000*l.* each; because his property being in so very precarious a situation as it was at present, he could not have it in his power to indemnify them: and indeed, when he considered that the House knew he was possessed of a very considerable real estate in the kingdom, which, were he so inclined, he could not, at present, alienate; he could not but think that he was hardly dealt by, as it could not be supposed that he would renounce his property and his country, when he had no reason to think that if he should ever be found guilty of the charges brought against him, the pecuniary punishment that might be laid upon him, would come up to any thing near the value of the estates he had in England. A rumour had indeed been spread, that he would not abide the decision of the law; but the reasons he had just given would be a sufficient answer to such a report. He concluded, by urging his claim to be heard by his counsel against the Bill.

The *Lord Advocate* said, he was sorry that he must oppose this claim; if the hon. member had a right to be heard now, all the preceding steps had been wrong; if they were right, it was not yet time for him to be heard; that time would come when the Bill of pains and penalties should be read the second time. As to the report that the hon. baronet intended to fly from justice, he really did not believe it; and he had said to all those who had mentioned that report to him, that it might be true, but that he had not seen as yet one symptom that could induce him to believe it. With regard to the two sureties in 50,000*l.* each, he had no objection to make an alteration on that head; and to look only for five sureties in 10,000*l.* each; and he knew that the hon. member had such relations and connections, that he could not be at a loss for such sureties; the security looked for was, not that the money must be paid, but that the hon. baronet would not fly from justice: it was a point of honour on one side, and of confidence on the other; and those who could put confidence in his honour, could have no objection to become bound for his appearance. As to hearing a defence in the present stage, it would be contrary to the precedent in the South Sea case, which the framers of the present Bill had strictly copied.

Sir *T. Rumbold* maintained, that the cases were by no means parallel; for, in the one, the persons concerned had, in their petition to the House of Lords, acknowledged their guilt; he, on the contrary, stood upon his defence, and maintained his innocence. He was sorry that the House did not seem inclined to remain satisfied with his own personal security; for he really did not know how, in his present situation, to ask any friend to be bound for him. However, come what would, he desired it might be understood, that he protested against the Bill, and pleaded not guilty.

The committee then went through the Bill.

May 6. Mr. *Dempster* presented a petition from sir T. Rumbold, praying to be heard by his counsel, against the Bill for restraining him from alienating his property, &c. and containing various reasons to induce the House to grant his prayer. The petition having been brought up and read, Mr. Dempster said, that he thought it his duty to comply with the request which had been made to him, to introduce the petition; and he would also

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move, that the prayer of it be granted; but so little was he informed of the mode of proceeding, in such cases, that he did not know, whether he should not vote against his own motion: however, in this he would be determined by what he should hear from other gentlemen better acquainted than he was with parliamentary forms. He then moved, that the prayer of the petition be granted.

Captain *Rumbold* begged to be heard for a few minutes on a subject which so nearly concerned him. He conceived that the Bill for tying up the estate of his hon. relation ought, with a great deal of propriety, to be considered as a punishment; now, in his opinion, to be punished without conviction, nay, without a trial, was contrary to the immutable and eternal laws of justice, which ordain that trial shall precede punishment, and that no man shall be condemned unheard: his hon. relation claimed nothing more from the House, than that he should be heard; and he conceived that, as this claim was founded in justice and equity, it would be a violation of both to reject it. There was, in the Bill against which his hon. relation pleaded to be heard, a clause, which carried with it a peculiar hardship; for it locked up his hon. relation's property for 12 months from the passing of the Bill, until the end of the then next session of parliament. Now, though the Bill of pains and penalties should never be presented, or having been presented in that or the other House of Parliament, nay, though his hon. relation should be able (and he made no doubt but he should) to make his innocence appear clearly to the House, still this clause in the restraining Bill would keep the property locked up long after the end for which it was to be enacted should have been answered. This Bill was only to compel his hon. relation to abide the decision of the law; and if he should do that, the object of the restraining Bill was completely attained: but if he should be acquitted of the charges brought against him, the restraining Bill would still remain in full force to the end of the session of parliament next ensuing, after the expiration of twelve months from the passing of the Bill. This he conceived to be a hardship, which neither law, justice, nor equity, could in his opinion justify: there certainly should be in the Bill, a clause which should annul it as soon as its end should be answered. Upon the whole, he hoped the House would see that the prayer of his hon. relation was such as could not be rejected, without a breach of the immutable laws of reason and justice.

The *Lord Advocate* opposed the motion. The restraining Bill he conceived to be absolutely necessary, as without it, the Bill of pains and penalties would be rendered useless and absurd, and the whole proceeding would be elusory. The petition stated, that the Bill would prevent the petitioner from making settlements upon some of his children, who were to be shortly married. On this head, he certainly would go as far as any man to make the hon. baronet as easy as possible; and he would not oppose any proposition on that subject, which should not be incompatible with the ends of public justice.

Mr. *Jenkinson* also opposed the motion. He admitted, that the hardships said to be likely to arise from the Bill were not ideal; but no process in any court of justice in criminal, and indeed in most of the civil proceedings, could be executed without subjecting the parties to hardships. The restraining Bill was in the nature of a warrant, which compelled a man to give bail to abide his trial; this was undoubtedly a hardship: but without such hardships, the end of justice must in general be defeated.

Sir *T. Rumbold* said, he would not give a vote on the present question, and he feared it might be indelicate for him even to speak to it: but being encouraged by the House, he proceeded. He urged similar arguments to those used by his son; and farther observed, that the clause which empowered the servants of the India Company abroad, to examine persons upon oath, relative to the property he might have there, imposed on him a hardship of a peculiar nature; for at the very time when the Company were suing him in the courts below, this clause would be used in their aid, and be employed as an engine against him, to extort evidence for the Company: nay, as he was to be examined upon oath himself, as to the state of his property, he thought it would be contrary to the rules of justice, that he should be compelled to stand in a situation in which he might be made to criminate himself. If the restraining Bill was merely to make him abide the decision of the law, he would pledge his honour, and he would stake any part of the real estate he possessed in the kingdom, that he would not fly from justice. If the restraining Bill was brought in merely in aid of the

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Bill of pains and penalties, he could see no reason whatsoever, that the former should outlive the latter; he wanted to see the one expire, when the other should have been disposed of: thus, if the Bill of pains and penalties should be rejected in either House of Parliament, he would have the restraining Bill in such case to determine. It had been represented in a former debate, that, in the present stage of the business, the House was acting merely as a grand jury, finding a bill: he would then call upon any 40 gentlemen in the House to declare, if they had examined even the *ex parte* evidence, on which the Resolutions of the Secret Committee against him were founded; if they had read the appendix, to which these Resolutions referred; and if they could, as grand jurors lay their hands upon their hearts, and declare, as gentlemen, and as honest men, that the appendix, or evidence, bore out the charges: if they could not answer in the affirmative, he did not see how they could vote for the restraining Bill in any stage.

The *Solicitor General* (Mr. Lee) spoke in favour of the motion. It had been frequently observed, that precedent had guided the framers of the Bill in the manner of drawing it up; but the petition stated that the present case and those precedents had little or no analogy: that was a point to which he should like to hear the hon. baronet's counsel speak; and he thought the House could not in justice refuse to hear counsel on that head.

It was at length agreed, that the restraining Bill should be re-committed; and that then the prayer of the petition should be granted, and counsel heard in the committee. This point having been agreed to, Mr. Dempster withdrew his motion. Mr. Fox consented to this agreement; but he desired it might be understood, that counsel should be heard only against the clauses, not the principle of the Bill.

May 9. The House resolved itself into a committee, on the Bill for restraining sir T. Rumbold and Mr. Perring from leaving the kingdom. Mr. Scot was called to the bar, as counsel for Mr. Perring; Mr. Arden, and Mr. Hardinge having been heard the day before in behalf of sir Thomas. Mr. Scot argued against the clauses of the Bill for a considerable length of time, and then withdrew from the bar.

The *Attorney General* supported the same side of the question for which Mr. Scot had argued; and could not be brought to think that it was not a very great hardship on a man to have his whole estate impounded, merely for this purpose, that he might not fly from justice. The hon. baronet, who was one of the objects of the Bill, was possessed of a considerable real estate; he had no objection that this estate should be the security to the public, that the owner would not run away; but he could not consent that his whole property should be involved in this Bill, because the necessity of procuring bail to the value of 150,000*l.* would amount, in reality, to absolute imprisonment; as he could not have it in his power to indemnify others to become sureties for him.

The *Lord Advocate* urged over again the arguments he had used in support of the Bill. He contended, that the provisions contained in it were necessary preliminaries, without which any Bill to inflict pains and penalties must prove elusory.

The *Solicitor General* took the other side of the question. He said it was contrary to the practice of the courts below, and of the constitution, to exact excessive bail; the present Bill exacted such excessive bail as the law condemned; and therefore gentlemen must perceive that it ought not to pass. He had no objection that the parties should be compelled to give bail to a considerable amount; but not to the amount of their whole property, which would put it out of their power to find bail; and consequently the punishment of imprisonment would most likely be inflicted on a man who might be innocent; nay, who in the present stage of the business, must be presumed to be innocent. Mr. Laurens had offered the chief justice of England bail to the amount of 100,000*l.* for his appearance, but that learned judge refused to take such excessive bail, and enlarged the prisoner, taking bail to a much less amount. The same principle, he maintained, should prevail in this case; and the more so, as it was an extraordinary departure from the established laws and ordinary practice of England. There was another very great hardship in the Bill; it compelled sir T. Rumbold to give a true state of his property, on oath, and under pain of death. This was a bold and dangerous precedent: it went to establish an inquisition over the minds, effects, and secrets of men, repugnant to every principle of the con-

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stitution: it might place the party concerned, in a situation from which the House could not extricate him; and it might place the House in a situation in which they might not know how to act. It compelled sir Thomas to give a true state of his property from a certain given period, for which there was a blank left in the Bill: the hon. baronet had a seat in that House, and so had his son: "Now, suppose," said he, "and I really state it only upon supposition, that these two seats had been obtained by the means of money, shall the worthy baronet conceal the sums by which the seats were obtained, and make no mention whatever about them? If he does, he will be hanged. Must he reveal the circumstance? If he does, what will the House do with him?"

Mr. *Fox* said, that this was an extraordinary case; and therefore would justify a departure from the ordinary rules and forms of law; and the very reason why the present subject had not been taken up in the inferior tribunals, was, that it was out of the reach of the rules and forms of law; nay even of every existing law. His learned friend had appealed to the passions of the House, on the hardships of an individual; he might also, if he had unfolded the whole case, have informed the House, that there were millions of unfortunate Asiatics, parties to this Bill, who called for justice upon those who had plundered and destroyed them. He might have stated, also, that the British name had been branded and stigmatised, and that these millions and this name called for reparation. His learned friend was mistaken, when he thought that the heavy fine was exacted merely to secure the presence of sir T. Rumbold at trial; the object was to make restitution; and the Bill was to discover the means out of which restitution might be made. He, therefore, would vote for compelling sir T. Rumbold to give in an account upon oath of his effects; he could not think of sending out to India to discover what specific injuries had been done to individuals there; for he feared that such a measure would end in the death of such individuals who should dare to give evidence against any of the ruling powers in a country, where the court of justice, which had been established for the protection of the natives was now, connected as it was with the ruling powers there, an instrument of tyranny and oppression, extending the British laws over people who had never heard of them, and inflicting capital punishments on those who knew not that the laws of England made capital many of those acts, which used to be done without any idea that they led to capital punishments: if any of the natives should give evidence in the present case, he made no doubt but they would meet the fate of Nundcomar, who had been hanged, not for his forgeries or frauds, but for the evidence which he had expressed a desire to give against the leading Europeans in India. He hoped that many more Bills of the same nature as the present would be brought in, that not one of those who had shared in the plunder of Asia, and tarnished the lustre of the British name, should remain unpunished.

The Bill then passed the Committee.

May 13. The report of the Committee was brought up.

Sir *P. J. Clerke* moved, that Mr. Perring's name be erased from the Bill; his reason was, that it did not appear that Mr. Perring acted in any other than a subordinate capacity in all those transactions which were made the basis of the intended prosecution.

General *Smith* did not agree in supposing Mr. Perring innocent; nor did he, on the other hand, think him sufficiently criminal to be an object of punishment by a Bill of pains and penalties.

Mr. *Powys* thought that Mr. Perring was not a proper object of pains and penalties; and if he had been in the House when the motion was made to bring in such a Bill, he would have opposed it, as far as related to him.

The motion was negatived.

The clerk then began to read the amendments. In the committee it had been agreed that 50,000*l.* of sir T. Rumbold's property should be left uncovered by the Bill; that he might have it in his power to indemnify such persons as should become his sureties to that amount. The Lord Advocate held this to be just the same, as if sir Thomas was to be bound himself alone to the amount of 150,000*l.* for as the collateral security was to be thus indemnified, there was, in fact, no other security for the public, but sir Thomas's own estate. There was a good deal of reasoning upon this business; till at last Mr. Whitbread moved, that the sum to be left uncovered should be 20,000*l.* instead of 50,000*l.* On this the House divided, when there appeared, Noes 138; Aye 1.

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The question was put for the 50,000*l.* and carried without a division. When the clerk came to that clause, by which sir Thomas was to give in a full and true account of his effects,

The *Solicitor General* opposed it. It was said by the friends of the Bill, that it was only preparatory to trial, and not in itself a punishment. But the fact was, that though the preamble only stated that there were suspicions against sir Thomas, &c. still upon those suspicions, that gentleman's whole property was to be locked up: if this was not punishment, he did not understand the meaning of the word. The precedent he held to be dangerous; and on that ground alone the Bill ought to be opposed; if the House had resolved one hundred false facts, they would not do half so much mischief as by establishing a false principle. To resolve in an election committee, that a man of thirty years of age was under twenty, and consequently ineligible to a seat in parliament, was an injury to an individual; but it established no new principle, for the only question of principle in that case would be, that a minor should not sit in parliament; but to resolve that excessive bail should be required, and a party be punished before trial, would establish precedents of the most dangerous nature. The clause to compel him to give an account, upon oath, of his property, on pain of death, went to establish an inquisition of the most tyrannic nature: it went to make a man condemn himself. If the friends to the Bill had proofs to bring the charges home to sir Thomas, then this clause must, of course, be unnecessary; if they had not, then it went to extort proofs from the man against himself; a principle repugnant to reason, justice, law, equity, and nature.

Mr. *Fox* said, that it was of the essence of every charge, that some punishment should precede trial; for the law imprisoned an accused person, until he could find security for his appearance; and though it was a maxim in reason to hold every man innocent until he is proved to be guilty, yet the law by this procedure seemed, on the contrary, to hold every accused man to be guilty, until he has purged himself; as in cases where the plaintiff swears to a debt, the court will make the defendant give bail in double the sum sworn to, acting as if the proof of the debt was in full force: the bail was not proportioned to the guilt in criminal cases; or rather the bail, however great, was not a proof of great guilt; it always was proportioned to the greatness of the crime charged upon the accused. The Bill did not insist that sir T. Rumbold should give an account of his effects upon oath, merely that he might be brought to furnish proofs against himself; this oath was imposed on him, that the House might know where the money lay, which they were to prove had been amassed by peculation; it was that this wealth might be forthcoming, for the purposes of restitution. He then painted the happy consequences to our future government in India, from restitution thus made.

The Bill was ordered to be engrossed.

May 14. Mr. Rumbold presented a petition from his father, sir Thomas, praying that he might be heard by his counsel against the Bill of pains and penalties, then depending in the House. It was ordered that sir Thomas should be heard on the second reading of the Bill, on the 3rd of June. A clause was then introduced, by way of rider to the restraining Bill, to leave so much of sir T. Rumbold's estate uncovered by the Bill, as should enable him to make provision for his children, to the amount of 30,000*l.* This clause, after a little conversation, was agreed to.

Sir *P. J. Clerke* moved for leave to bring in a similar clause to enable Mr. Perring to make settlements on his issue.

The *Lord Advocate* treated the proposition as extremely ridiculous; the Bill was to expire the 1st of February; and Mr. Perring had been married only a few days; and therefore he could not suppose that there would be a very numerous progeny to provide for between this and the 1st of February next.

The motion was rejected. On the question, that the Bill do pass,

Mr. Alderman *Sawbridge* opposed it. He observed, that where no positive proof could be adduced, it would be sufficient for the ends of justice to bring circumstantial evidence; but it would be cruel to extort by force that evidence from the party accused. He had a very strong opposition to the tribunal that was to try sir Thomas Rumbold: the House were the grand jury that had found the Bill, the petty jury that were to try the accused, and above all, they were the accusers: now, how could an equitable decision be expected in such a place? And he could not help taking notice, that a tribunal where the judges were not upon oath, was

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unprecedented in every part of this country: a right hon. member (Mr. Fox) had taken a great deal of pains to prove the propriety of this measure, but his arguments had no weight with him, except to make him suspect that there was "something rotten in the state of Denmark." That right hon. member had said, that the Bill of pains and penalties was more in favour of the accused than a Bill of impeachment, because the former afforded more opportunities of escaping, than the latter would; the latter would make the House of Lords the only tribunal for trying him; but the former established three tribunals, the two Houses of Parliament, and the King: but this argument must surely be used in jest; for as well might the right hon. member say, that a fox pursued by ten packs of hounds, has a better chance of escaping, than if he was to be chased only by one.

The House then divided on the question for passing the Bill; Yeas 82; Noes 42.

The *Lord Advocate* moved that the Attorney General be ordered to prepare the evidence, and manage the business of the prosecution, at the bar of the House, on the Bill for inflicting pains and penalties on sir Thomas Rumbold, &c. This motion was passed without opposition.

Debate on Mr. Wilkes's Motion for rescinding the Resolutions relating to his Expulsion.] May 3. Mr. *Wilkes* said; Mr. Speaker; I think myself peculiarly happy at the present moment, that I have the honour of submitting to the House an important national question respecting the rights of election, when the friends and favourites of the people enjoy, with the smiles of our sovereign, the offices of trust and power in the state, accompanied with that fair influence, which is necessarily created by great ability, perfect integrity, the purest political virtue, and the remembrance of their former upright conduct in the cause of the people. If the people of England, Sir, have at any period explicitly and fully declared an opinion respecting a momentous constitutional question, it has been in regard to the Middlesex election in 1768, and the subsequent most profligate proceedings of an administration, hostile by system to the rights of this country, and every part of the British empire. An instance cannot be found in our history of a more general concurrence of sentiment among the freeholders of England, and they were joined by almost every borough and corporation in the southern part of the island. I am satisfied therefore that I now shall find the real friends of the people determined and zealous in the support of their just claims and undoubted privileges.

Hitherto, Sir, every attempt for the recovery of this invaluable franchise has been rendered fruitless by the arts and machinations of power in the hands of wicked men; and I may with truth assert, that the body of the people long addressed, petitioned, and remonstrated with manly firmness and perseverance, but without the least effect, or even impression. The full redress demanded by this injured nation seems reserved to distinguish the present propitious æra of public liberty among the early and blooming honours of an administration, which possesses the confidence, and daily conciliates the affections, of a brave and sensible people. Their voice was never heard in a more clear and distinct manner than on this point of the first magnitude for all the electors of the kingdom, and I trust will now be heard favourably. The general resentment and indignation ran so high against the House of Commons, which committed the outrage, that their immediate dissolution became the prayer of numberless petitions to the throne. No man scrupled to declare them unworthy to exist in their political capacity. The public pronounced them guilty of sacrificing and betraying the rights, which they were called upon by every tie of justice and duty to defend. The noble spirit of the freeholders of Middlesex, persevering in the best of causes, undaunted by all the menaces of power, was the subject of the most general applause and admiration. The voice of the people was then in the harsh and sharp tone of passion and anger against ministers. It will, I am persuaded, soon be in the soft and pleasing accents of joy and thankfulness to our deliverers.

It is scarcely possible, Sir, to state a question in which the people of this free country are more materially interested than in the right of election, for it is the share, which they have reserved to themselves in the legislature. When it was wrested from them by violence, the constitution was torn up by the roots. I have now the happiness of seeing the Treasury bench filled with the friends of the constitution, the guardians and lovers of liberty, who have been unwearied and uniform in

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the defence of all our rights, and in particular of this invaluable franchise. I hail the present auspicious moment, and with impatience expect the completion of what I have long and fervently desired for my friends and country, for the present age, and a free posterity. The former conduct of those now in power affords me the most sanguine hopes of this day seeing justice done to a people, to whom they have so frequently appealed, who now look up to them with ardent expectation, with pleasure and esteem. Consistency, Sir, has drawn the right line of their political conduct to this period. It will now point out the same path of public virtue and honour. May I be indulged in a hint, which I mean to extend much beyond the business of the day, when I say that consistency will be attended with that stability and perfect security which are the objects of every good man's wishes for them? They have given us a fair earnest of their reverence for the constitution by their support of two Bills, essentially necessary to restore the purity and independency of parliament; I mean, the Bill for preventing contractors sitting in the House of Commons, and the Bill for disabling officers of the revenue from voting at elections—— [Mr. Wilkes was here interrupted by a message by sir Francis Molyneux, gentleman usher of the Black Rod, desiring the immediate attendance of the House of Commons in the House of Lords. The Speaker then went up to the House of Peers: and after his return and report of what had passed, Mr. Wilkes said] I return my thanks to the Black Rod for so luckily interposing in favour of this House, when I might possibly have again tired them with the important, however stale, case of the Middlesex election, which their patient ear has for several years with much good nature suffered. I will now make some return for their indulgence, in profiting by the circumstance of this happy interruption, and not saying a single word about Walpole or Wollaston, Coke or Blackstone. I will not detain the House longer than by moving, That the entry in the Journal of the House of the 17th of February, 1769, of the resolution, "That John Wilkes, esq. having been in this session of parliament expelled this House, was and is incapable of being elected a member to serve in this present parliament," might be read. The same being read, Mr. Wilkes next moved, "That the said Resolution be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom."

Mr. *Byng* seconded the motion.

Mr. *Fox* opposed it; but said that it was not from any false pride, or fear of being thought inconsistent. He had turned the question often in his mind, and he was still convinced that the resolution which gentlemen wanted to expunge, was founded on proper principles: it was for the good of the people of England that the House should have a power of expelling any man, whom the representatives of the people of England thought unworthy to sit among them: this was a privilege too valuable to be given up. He supposed some cases in which the public utility of it would be felt and acknowledged: if the Bill for excluding contractors from seats in that House, had been rejected in the other; and the House of Commons should come to a resolution of their own, that no person holding a contract should sit amongst them, the present contractors losing their seats, might be re-elected, and then if not prevented by this inherent privilege of the House to expel, the very men whom the House should have pronounced improper to sit among them, might be returned again. However, though he opposed the motion, he felt very little anxiety for the event of the question, for when he found the voice of the people was against the privilege, as he believed was the case at present, he would not preserve the privilege, to make use of it against the people, which was originally intended for the preservation of their liberties. Moreover, he did not think it was of great consequence to retain the privilege, when the power to enforce it was gone: the power was undoubtedly gone; for gentlemen might remember, that when two members of that House had, as magistrates of London, grossly violated the privilege, the natural punishment ought to have been expulsion: but the House was afraid to proceed to that length: the public no longer acknowledged the privilege; they had associated, they had declared their sentiments to parliament, and had taught parliament to listen to the voice of their constituents. The mere expunging of the resolution, however, would not be of any great use; the doctrine would remain just as before; unless a Bill should be brought in, which should put the matter beyond all dispute.

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The *Lord Advocate* opposed the motion also: but he spoke principally to Mr. Fox's idea of excluding any one from a seat in that House by a mere resolution of the House, and without the concurrence of the other branches of the legislature: such a resolution would be contrary to all law, and to the very spirit of the constitution, according to which no one right or franchise of an individual was to be taken from him, but by law. He animadverted also on the doctrine of associations, which he condemned as dangerous to the last degree: if ten or twelve gentlemen should associate, so might ten thousand; and God only knew where such associations, once formed, would end; that House had seen an association of 20,000 men, with blue cockades, and their excesses were but too well remembered. In a word, from such meetings would arise confusion: and from confusion would spring up, not liberty, but the rankest tyranny and despotism.

Lord Mahon, lord Surrey, sir P. J. Clerke, and the Secretary at War spoke also for the motion: the House at last divided, when there appeared for expunging, 115; against it 47. The same was expunged by the clerk accordingly. It was then ordered, "That all the declarations, orders, and resolutions of this House respecting the election of John Wilkes, esq. for the county of Middlesex, as a void election, the due and legal election of Henry Lawes Luttrell, esq. into parliament for the said county, and the incapacity of John Wilkes, esq. to be elected a member to serve in the said parliament, be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom."

The same were likewise expunged by the clerk at the table.

Motion for the Recal of Sir Elijah Impey.] On the motion of general Smith, the House resolved, "That an humble Address be presented to his Majesty, that he will be pleased to recal sir Elijah Impey, knight, one of the judges of the Supreme Court of Judicature at Fort William in Bengal, to answer to the charge of having accepted an office granted by, and tenable at the pleasure of, the servants of the East India Company, which has a tendency to create a dependence in the said supreme court upon those over whose actions the said court was intended as a controul, contrary to the good purposes and true intent and meaning of an Act of the 13th of his Majesty's reign."

Debate in the Commons on the Bill of Reform in the Civil List Expenditure.] May 6. The House resolved itself into a committee, Mr. Burke in the chair, to take into consideration his Majesty's message relative to the retrenchment of expences in his Majesty's household. The plan which had been laid before the House by his Majesty's command, contained the following state of savings per annum: by the abolition of the office of third Secretary of State about 7,500*l.*, Board of Trade 12,600*l.*, Lords of Police of Scotland 6,600*l.*, Board of Works 7,463*l.*, Great Wardrobe 3,560*l.*, Jewel Office 3,000*l.*, Treasury of the Chamber 3,500*l.*, Cofferer of the Household 3,000*l.*, Six Clerks to the Board of Green Cloth, and other savings, 8,000*l.*, Master of the Harriers 3,000*l.*, Ditto of the Stag Hounds 3,000*l.*, By causing pensions to be paid in future at the Exchequer, abolishing the office of Paymaster of the Pensions, and by regulations in the Mint, about 15,000*l.*, making in all an annual saving of about 72,868*l.* It appeared that the arrear due on the Civil List amounted to 295,877*l.* 18*s.* 4*d.*

Mr. *Stanhope* expressed his disappointment at finding that the savings in the household, which he thought were to have gone in aid of the taxes, were to be applied to the payment of a debt on the Civil List; a debt which he did not, and could not, understand, after the addition of 100,000*l.* per annum had been made to the Civil List: he thought an enquiry ought to be instituted to discover by what means a debt of near 300,000*l.* could have been contracted.

Lord *John Cavendish* moved, that the chairman be directed to move the House for leave to bring in a Bill "for enabling his Majesty to discharge the debt contracted upon his civil list revenues, and for preventing the same from being in arrear for the future, by regulating the mode of payments out of the said revenues, and by suppressing or regulating certain offices, to be mentioned in the said Bill, which are now paid out of the revenues of the civil list."

Mr. *Aubrey* said, that he had so very seldom troubled the House, for a considerable time past, that he should hope for greater indulgence, if, in that moment of

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triumph to the steady opponents of public corruption and prodigality, he felt himself called upon to join his voice to the general congratulations of the independent part of the kingdom. The Bill before them would, he was persuaded, in that auspicuous hour, and under the gracious patronage, which then recommended it to the House, experience a different fortune from that which attended the virtuous, but ineffectual exertions of the right hon. mover (Mr. Burke) of that business in the last parliament. The present Bill, with two others of a similar tendency and complexion, (the contractors and the revenue officers Bills) which had lately passed the House of Commons, would, he did not doubt, go down to posterity, perpetual monuments to the honour of an administration, who availed themselves of power to no other purpose, than to fulfil their promises when out of power; and would be received by the people of England as pledges of a farther and more essential reformation in the state. He observed, however, that there was another subject which he trusted would not be neglected; it had been lately matter of conversation in the House, and appeared to him to be immediately connected with the principle and objects of the Bill before them. To what causes was to be attributed the extremity of distress, which had been so rapidly brought upon a great and glorious empire; and which rendered the most penurious economy essential to its very existence? Who were the authors of the mischief? What was the extent of it? In short, he wished to know what was the precise political condition of this country, both at home and abroad, as far as could be collected from the fair reports of the different departments of government, when the administration of affairs was transferred to the present ministry? An accurate knowledge of our situation he thought was equally necessary to the purposes of economy and policy, and would be our best guide in forming new plans and regulations. An important step, he observed, had already been taken in that business upon the suggestion of an hon. gentleman of high distinction in that House (Mr. Thomas Pitt) who lately moved for an enquiry into the state of the finances; and Mr. Aubrey added, that it was with infinite satisfaction that he had more than once attended to declarations, coming from a most respectable quarter, which justified a hope that an enquiry into the state of the nation would take place upon the most extensive scale, and would meet with the support of a right hon. gentleman (Mr. Fox) the powers of whose mind appeared to be superior to difficulties, and who seemed determined that his reputation for clear and unequivocal rectitude of conduct, as a minister, should not yield to the fame of his abilities. Though he was only delivering in his place the opinion of an individual member of parliament, he was nevertheless most thoroughly convinced, that in urging that enquiry, he spoke the wishes, and he might add the expectations of the great body of the English nation. In that point he believed the public were unanimous; and that was an unanimity which ought to command the respect of that House. He then gave an account of the different sorts there were of unanimity (alluding to the recommendation of unanimity lately urged very strongly by some of the friends of the late ministry); he said there was a specious sort of unanimity, which he hoped never to see cherished in that House. There was a sort of unanimity, which was founded in collusions; and might be better described by the name of conspiracy. The unanimity he wished to see prevail in that House, as well as in the nation, should spring from a general union of sentiment, and a general combination of wisdom and virtue. If for the sake of maintaining a treacherous external of unanimity, every channel of information was to be closed, all distinctions confounded, every principle of justice and retribution confounded, all ideas of responsibility exploded; he, for one, so far from wishing to see that House unanimous upon such terms, should, against the bent of his character and temper, be obliged to become an advocate for discord. Mr. Aubrey then spoke of the miserable aspect affairs bore in this country, the rapid declension of which, he said, stood a single instance in history: it had no example in the annals of the world. He hoped they would not exhibit an instance, equally unexampled, of a stupid and monstrous insensibility, to events of such deep interest and importance. On the contrary, he hoped they would give a solid proof of unanimity, by entering heartily and fully into an enquiry, in which the honour of the English name, the reputation of the last administration, and of the present, were equally concerned. It was in firm expectation that such an enquiry would, in due time, be set on foot, he had double

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satisfaction in voting for the present Bill, persuaded that unless they returned to the old constitutional doctrine of responsibility, the best meant, the best planned projects of reform must, in a great measure, fail in producing their effect.

Mr. Secretary *Fox* declared, that he held the enquiries to be absolutely necessary to the salvation of the empire; and he would not, for the sake of unanimity in that House, lend himself to screen any man or set of men from justice; an unanimity in that House might be productive of discontents through the kingdom. Unanimity had reigned triumphant within the walls of parliament in a neighbouring kingdom, whose affairs he should soon bring before the House, but it was in opposition to the declared voice of the people at large, who had at last taught their representatives to think better of the instructions of their constituents; and had made them vote unanimously for those very measures, which they had been in the habit of almost unanimously condemning. This was a good lesson to ministers; and he was resolved to procure, if possible, unanimity without doors, though it should be at the hazard of creating opposition within them; for though he was not of a very timorous nature, he professed himself to be thoroughly afraid to propose measures which must, in their nature, be unpopular, without shewing to the people that they were rendered necessary by the misconduct of his predecessors. An enquiry into the finances of the country, as the most important, was already on foot; he very much wished for another into the state of the navy, which he had found deplorable beyond conception. As to the state of foreign alliances, it required no enquiry; if a committee should sit upon that business, their report must be comprised in these words: "We have none." He then spoke of the other various objects of retrenchment which would soon follow those proposed by the King's message.

Sir *W. Dolben* gave his consent to the measures then under consideration, as his Majesty had proposed them himself: but he consented only under this condition, that due care should be taken, that the pomp and splendour of the crown be kept up.

Mr. *Pulteney* did not wish that patent places should be abolished; but he could not see any reason why they should enjoy greater emoluments in proportion as the burdens of the nation became greater.

Mr. *Pratt* said, he was one of the tellers of the Exchequer; but though he should not be very willing to give up his patent, still he would not stand in the way of economical regulations which might be thought necessary in the Exchequer.

The question was put and carried; and Mr. Burke immediately moved the House for leave to bring in the Bill, which was granted.

Debate on Mr. William Pitt's Motion for a Reform in Parliament.] May 7. The order of the day being read,

Mr. *William Pitt* rose, and prefaced his intended motion with an apology for undertaking a task so extensive; and which required abilities and experience so much greater than his; but having said this, he would trust to the indulgence of the House, and believed that the importance of the subject to which he meant to call their attention, would induce them to treat it with the utmost seriousness and respect. The representation of the Commons in parliament was a matter so truly interesting, that it had at all times excited the regard of men the most enlightened; and the defects which they had found in that representation had given them reason to apprehend the most alarming consequences to the constitution. It would be needless for him, in the present moment, to recall to the memory of the House the many occasions upon which he and others, in an anxious struggle with a ministry, who laboured to exert the corrupt influence of the crown, in support of an inadequate representation of the people, maintained the necessity that there was for a calm revision of the principles of the constitution, and a moderate reform of such defects as had imperceptibly and gradually stole in to deface, and which threatened at last totally to destroy the most beautiful fabric of government in the world. Upon these occasions, they were unsuccessful in their efforts, on account of that corrupt influence of which he had spoken; but at last, he thanked God, the voice of the people had happily prevailed, and we were now blessed with a ministry, whose wishes went along with those of the people, for a moderate reform of the errors which had intruded themselves into the constitution; and he was happy to see that there was a spirit of unanimity prevalent in every part of the kingdom, and also in every part of that House, which made the present day the fittest for un-

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dertaking this great task. The ministers had declared their virtuous resolution of supporting the King's government by means more honourable as well as more permanent than corruption; and the nation had confidence in the declarations of men who had so invariably proved themselves the friends of freedom, and the animated supporters of an equal and fair system of representation. That the frame of our constitution had undergone material alterations, by which the Commons' House of parliament had received an improper and dangerous bias, and by which, indeed, it had fallen so greatly from that direction and effect which it was intended, and ought to have in the constitution, he believed it would be idle for him to attempt to prove. It was a fact so plain and palpable, that every man's reason, if not his experience, must point it out to him. He had only to examine the quality and nature of that branch of the constitution as originally established, and compare it with its present state and condition. That beautiful frame of government which had made us the envy and admiration of mankind, in which the people were entitled to hold so distinguished a share, was so far dwindled and had so far departed from its original purity, as that the representatives ceased, in a great degree, to be connected with the people. It was of the essence of the constitution, that the people should have a share in the government by the means of representation; and its excellence and permanency was calculated to consist in this representation, having been designed to be equal, easy, practicable, and complete. When it ceased to be so; when the representative ceased to have connection with the constituent, and was either dependent on the crown or the aristocracy, there was a defect in the frame of representation, and it was not innovation, but recovery of constitution, to repair it.

He would not, in the present instance, call to their view, or endeavour to discuss the question, whether this species of reform, or that; whether this suggestion, or that, was the best; and which would most completely tally and square with the original frame of the constitution: it was simply his purpose to move for the institution of an inquiry, composed of such men as the House should, in their wisdom, select as the most proper and the best qualified for investigating this subject, and making a report to the House of the best means of carrying into execution a moderate and substantial reform of the representation of the people. Though he would not press upon their consideration any proposition whatever, he should still think it his duty to state some facts and circumstances, which, in his idea, made this object of reform essentially necessary. He believed, however, that even this was unnecessary, for there was not a gentleman in the House who would not acknowledge, with him, that the representation, as it now stood, was incomplete. It was perfectly understood, that there were some boroughs absolutely governed by the Treasury, and others totally possessed by them. It required no experience to say that such boroughs had no one quality of representation in them; they had no share nor substance in the general interests of the country; and they had in fact no stake for which to appoint their guardians in the popular assembly. The influence of the Treasury in some boroughs was contested, not by the electors of these boroughs, but by some one or other powerful man, who assumed or pretended to an hereditary property of what ought only to be the rights and privileges of the electors. The interests of the Treasury were considered as well as the interests of the great man, the lord or the commoner who had connection with the borough; but the interests of the people, the rights of the electors, were the only things that never were attended to, nor taken into the account. Would any man say, that in this case, there was the most distant idea or principle of representation? There were other boroughs which had now, in fact, no actual existence, but in the return of members to the House. They had no existence in property, in population, in trade, in weight. There were hardly any men in the borough who had a right to vote; and they were the slaves and subjects of a person who claimed the property of the borough, and who in fact made the return. This also was no representation, nor any thing like it. Another set of boroughs and towns, in the lofty possession of English freedom, claimed to themselves the right of bringing their votes to market. They had no other market, no other property, and no other stake in the country, than the property and price which they procured for their votes. Such boroughs were the most dangerous of all others. So far from consulting the interests of their country in the choice

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which they made, they held out their borough to the best purchaser, and, in fact, they belonged more to the nabob of Arcot than they did to the people of Great Britain. They were cities and boroughs more within the jurisdiction of the Carnatic than the limits of the empire of Great Britain; and it was a fact pretty well known, and generally understood, that the nabob of Arcot had no less than seven or eight members in that House. Such boroughs, then, were sources of corruption; they gave rise to an inundation of corrupt wealth, and corrupt members, who had no regard nor connection, either for or with the people of this kingdom. It had always been considered, in all nations, as the greatest source of danger to a kingdom, when a foreign influence was suffered to creep into the national councils. The fact was clear, that the influence of the nabobs of India was great; why then might not their imaginations point out to them another most probable circumstance that might occur, the danger of which would be evident, as soon as mentioned? Might not a foreign state in enmity with this country, by means of these boroughs, procure a party of men to act for them under the mask and character of members of that House?

Such a cabal was more to be dreaded than any other; and this, among other domestic evils, was to be apprehended from the present incomplete and improper frame of representation. How many other circumstances were there, under which the various description of boroughs in this kingdom were influenced, and seduced from their real and direct duty? Having mentioned these facts, by which experience came in aid of reason, to convince him of the inadequacy of representation, he conceived it would be perfectly needless for him to enter into any argument to prove the necessity that there was for a reform in this particular. He was convinced, that every gentleman would acknowledge the truth of the fact, however they might differ about the means of accomplishing it; or about the delicacy with which they ought to meddle in any shape with the constitution. He begged leave to say, that there was not a man in that House who had more reverence for the constitution, and more respect, even for its vestiges, than himself. But he was afraid that the reverence and the enthusiasm which Englishmen entertained for the constitution would, if not suddenly prevented, be the means of destroying it; for such was their enthusiasm, that they would not even remove its defects, for fear of touching its beauty. He admired the one so much, so great was his reverence for the beauties of that constitution, that he wished to remove those defects, as he clearly perceived that they were defects which altered the radical principles of the constitution, and it would not be innovation, as he had said, but recovery of constitution, to remove them: gentlemen were ready to acknowledge the truth of this, but they stopped, from the difficulty of accomplishing the necessary reform. Many propositions had been made from different quarters towards this great national object. In particular it had been said, that the independence of parliament would be most easily accomplished, and most effectually, by annihilating the corrupt influence of the crown. This he was ready to acknowledge as a great and powerful means of restoring independence and respect to parliament, and he was happy to see, that under the present ministry the corrupt influence of the crown would not be exerted. It might, therefore, with truth be said, that now the injurious, corrupt, and baneful influence of the crown was no more. Its effect would not be felt during the ministry of a set of men who were the friends of constitutional freedom; but it was the duty of parliament to provide for the future, and to take care that in no time this secret and dark system should be revived, to contaminate the fair and honourable fabric of our government. This influence was of the most pernicious kind; and at all times had been pointed to as the fertile source of all our miseries. It had been substituted in the room of wisdom, of activity, of exertion, and of success. It was but too naturally connected with the extensive limits of our empire, and with the broad and great scale upon which its operations were conducted. It had been truly said of this corrupt influence, that it had "grown with our growth, and strengthened with our strength." Unhappily, however, for this country, it had not decayed with our decay, nor diminished with our decrease. It bore no sympathy nor connection with our falling state; but even during that ministry, who, by their mad impolicy, had contracted the limits of the empire, this corrupt influence was still found to exist in all its strength, and had supported that ministry for a length of years, against all

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the consequences of a mischievous system, and a desolated empire. He thanked heaven that we had now a ministry who placed their dependence on a more honourable basis, and who conceived nothing to be more necessary or essential to the permanent interests of their country, than the total overthrow and extinction of this influence.

It had been thought by some, that the best means of effecting a more near relation between the representatives and the people, was to take from the decayed and corrupt boroughs a part of their members, and add them to those places which had more interest and stake in the country. Another mode of making the connection between the representative and constitution more lively and intimate, was to bring the former more frequently before the electors, by shortening the duration of parliament. But all these propositions he would beg leave, for the present, to omit entirely, and to deliver the matter to the committee to be chosen free from all suggestions whatever, that they might exercise their own judgment, and collect, from the lights which they would receive, full and complete information on the subject. He would therefore content himself with saying, that having mentioned the manner in which he would take the liberty of proposing to institute this enquiry, he hoped that he should be forgiven for taking up this important business. The matter of complaint was clear to him; and he was strengthened in his opinion from the advice of some of the first and greatest characters in the kingdom. The assistance which he had received, he acknowledged with gratitude, as it fortified his mind in regard to the opinions which he had formed on the subject. It was also the opinion of many respectable characters, now no more, and particularly of one, of whom every member in the House could speak with more freedom than himself. [His father, the earl of Chatham.] That person was not apt to indulge vague and chimerical speculations, inconsistent with practice and expediency. He personally knew, that it was the opinion of that person, that without recurring to first principles in this respect, and establishing a more solid and equal representation of the people, by which the proper constitutional connection should be revived, this nation, with the best capacities for grandeur and happiness of any on the face of the earth, must be confounded with the mass of those whose liberties were lost in the corruption of the people. With regard to the time at which he had brought it on, he was convinced that it was the most proper and seasonable moment that could be imagined. If it had been brought forward during an eager opposition to the measures of government, it might have been considered as the object of spite, or peevishness; and if under such circumstances they had prevailed, it would have been said to be carried by assault. But now there was no division of sentiment: his Majesty's ministers respected the voice of the people, and were anxiously bent on the reformation of parliament. If there was any division of opinion at all, it was about the means of accomplishing the object. He concluded with moving, "That a committee be appointed to enquire into the present State of the Representation of the Commons of Great Britain in parliament, to report the same to the House, and likewise what steps in their opinion it may be proper for parliament to take concerning the same."

Mr. Alderman *Sawbridge* seconded the motion; and he did it, he said, with peculiar satisfaction, because he thought it the only method that parliament could pursue for restoring this country to its rank and estimation. He had himself had the intention of moving the question; but hearing it was the design of the hon. gentleman to urge it, from whom it would come with so much more weight and consequence, he had cheerfully given up his purpose, and had heard the hon. gentleman open the business with that great and astonishing ability for which he was so justly distinguished. He earnestly recommended this important matter to the House, and hoped and trusted that it would receive their general consent.

Mr. *Powys* rose, he said, to give his hearty negative to the question, from a thorough conviction, that so far from its being of real service, it would be attended with infinite mischief: the constitution, in its present form, had stood the test of many ages, and had been the envy of all the world; he could not see any good purpose the present motion would answer, for it would not assist government in a ship, a man, or a guinea towards carrying on the war with vigour, or towards establishing that much wished for object, peace.

Mr. *Thomas Pitt* said:—I rise, Sir, under a degree of pain and embarrass-

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ment upon the present question that I never have experienced upon any other occasion since I have had the honour to have a seat in this House. The peculiarities of my situation here, at the same time that they draw every eye upon me in a question of this nature, lay me under such difficulties, that they scarcely allow me the liberty of delivering an honest and sincere opinion upon a matter at once of so much delicacy and importance. I am conscious of the obvious interpretation that every word will bear from my mouth, where my opinion coincides with an evident and palpable interest. Would to God, Sir, that at this moment my interest and my opinion were in opposite scales, that I might find credit with those who hear me, in delivering the genuine sentiments of my heart upon a subject on which I should think it criminal to conceal them!

Believe me, Sir, I feel also not only the disadvantage under which I rise to oppose a popular opinion so ably supported, but it is with extreme reluctance I can bring myself to oppose a proposition introduced to you by my worthy friend and near relation, whose zeal upon this occasion, as upon all others, bears testimony to that ardour which animates him in the cause of freedom, and to that blood, which warms the feelings of his heart with every pure and disinterested affection towards his country; yet, Sir, nor the admiration of his virtues and talents, nor sentiments of kindness and consanguinity, nor a regard to the interpretation that may be put upon my conduct, shall upon so great an occasion deter me from my duty: no, Sir, I will use the freedom which a seat in this House allows me, as long as I am permitted to have a seat in it; I will deliver my sentiments honestly, boldly, and faithfully; I will warn you of a danger that is opening upon you of the most alarming nature, and which, in my opinion, leads directly to such mischief and confusion as it will not be in the power of any human effort to remedy. Sir, may I be permitted to say, I disapprove of the proposition, of the mode, and of the moment it is offered to you. I disapprove of the proposition, because it leads to a principle I never can admit of, a principle of equal representation. I see my worthy friend disclaims such a principle: I will shew him in an instant, by considering the mode, that it can lead to nothing else. Considering the proposition, as leading to that principle, I disapprove of it, as totally inapplicable to the British constitution; I disapprove of the mode, because I consider a committee of the sort proposed by my hon. friend, confining itself to no specific proposition, nay, to no line or principle whatsoever, as tending to no purpose but to hold out visionary hopes to visionary men, which it is utterly impossible to satisfy, and which, ending in disappointment to the expectation of the public, can produce no consequence, but to inflame their passions, and disseminate discontent over the kingdom. Now, Sir, as to the moment, allow me to say, it appears to me ill chosen upon many accounts. There are at this time wild and extravagant ideas in the public, with regard to the representation, which I hope time and reflection will expose in their true light; but till that spirit shall have subsided, it is little likely that any sober, practical, judicious scheme of regulation in this particular can be attended with those satisfactory consequences we might wish. Our attention at this important crisis is distracted amongst a variety of objects, many of them essential to our immediate existence as a state; many of them tending to such reforms, as may promise to us either œconomy in the administration of our finances, or stability to our happy constitution. For God's sake, let us not embrace so many objects at a time, that it is impossible to give to any one of them that degree of attention so necessary to render it adequate to its purpose. Reformation, if it is wise and effectual, must be gradual in its progress: let us see the effect of what we have already undertaken before we proceed farther. Every innovation is an experiment; and it would be the completest rashness to hurry one project upon another hastily and inconsiderately, till the minds of men are alarmed with apprehensions that nothing will be left quiet in the kingdom.

Having said thus much, Sir, let me examine for a moment what is the clamour against the present state of the representation; in what it is supposed to have departed so widely from its first principle; and in what that defect consists, which is supposed to cry so loudly for reformation. Theorists, it seems, have endeavoured to establish as a maxim, that that nation only can be free where no individual in it is governed but by laws to which he has given his assent in person, or by the mouth of one he has personally deputed to give that assent for him: freedom, therefore,

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is stated to consist in equal personal representation. Good God, Sir, is that the principle upon which this House has been established by our ancestors? Can any such principle be applied to our constitution? Equal representation, Sir, when out of a mass of six or seven millions of inhabitants, not perhaps three hundred thousand have been trusted with the privilege of voting for representatives! What has been the history of parliament, at least, the history of the House of Commons? The first writs, if I mistake not, in the reign of Henry 3, summoned to parliament none but knights of the shire; they were considered as a complete representation of the people. But how was their equality adjusted? By assigning the same number of representatives to the county of Rutland as to the counties of Devonshire, Somersetshire, Lincolnshire, and York. Is there scarcely a greater inequality to be stated in the present representation? To these, Sir, which I have ever thought to be the true representatives of the people at large, were added the great cities, and by degrees large towns, places of note, and even inconsiderable villages. By what rule they were added it is difficult to say; certainly not by any rule of equal representation, or the uniform importance of the places that were honoured with this privilege. The prerogative was held at that time competent to grant such privileges, as it granted the privileges of corporations and immunities as it thought expedient; and such beneficial or honorary privileges have ever been held among the most sacred rights that we possess. Is it fit, is it expedient, Sir, to try these chartered privileges, at this time of day, by a new rule that never did apply to them? Alas, Sir! if I have any interest in the question, do with it as you please; God forbid any interest of mine, however dear, however valuable, should stand one moment in the way of the public welfare and prosperity! It is of little moment whether I or my posterity have the means continued to us of troubling you in this House; I have never presumed to state a personal privilege to be so sacred as that it ought not to give way to the consideration of the public. I am persuaded, on the other hand, the legislature will never lightly be induced to trample upon ancient and valuable rights, upon fanciful grounds of theory and speculation. Equal representation, Sir, as an essential principle of free government—did I say only, that it never has applied to the constitution of this government? Shew me the country upon the globe where such a principle ever did apply. Plausible and popular as such an idea may now be, it is of all extravagant ideas, the most extravagant, the most impracticable, the most visionary and absurd. If it be essential to a free government, there never has been a free government since men were united in society, and there never can be one as long as the world endures.

But, Sir, if the slightest recollection obliges us to abandon this strange principle, what other shall we substitute in its room as the principle of the Bristish parliament? Let us for a moment reflect upon the origin and purpose of its institution, and we shall not be at a loss for its real principles. What, Sir, is the purpose of parliament, but a balance against the power of the crown? There, Sir, is your true principle; without entering into nice discussions, and theoretical systems, fitter at all times for philosophers than statesmen; let us see whether the end be answered of our institution. Theory and practice are perpetually at variance; let us be guided by our experience of what exists, not by the hypothetical arguments of what should probably be the case. If, for example, Sir, my conduct, since I have had the honour of a seat in this House, has been marked with something so peculiarly servile and abject, that it should necessarily induce you to imagine that the tenure by which I obtain that seat is under the immediate influence of the crown, I ought to be the immediate object of your reformation. To that object, if reformation must take place, direct your attention, and you will indeed recur to the first principle of your institution. No, Sir; the members of this House, however variously elected, stand individually and collectively as the representatives of all the subjects under your dominions. If they answer the great purpose of defending the people at large from the encroachments of power, and the increasing influence of the crown; if we hold the purses of the people, as faithful guardians; if we preserve the laws of the country from violation, we answer every purpose of our intention, whatever irregularities a speculatist may think he discovers in our institution: for that country enjoys the benefit of civil liberty, where the laws of the land hold an equal course to all, not where all are equally repre-

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sented. Wherever the law can be dispensed with, and altered at the arbitrary pleasure of the individual, let the representation be what it will, such a country is, in that degree, subject to arbitrary power.

Having then, Sir, endeavoured to establish what I think the true and only principle of the British parliament, that it is a balance against the influence of the crown, (and thinking so, the encroachments of that influence shall ever be the object of my jealousy, whilst I have a vote allowed me in this House) let me go one step farther; I am sensible I am going to tread upon delicate ground; there are arguments that can rather by a hint be brought home to your own experience, than explained and dilated upon by me. Is all influence upon this House equally dangerous, equally alarming, equally subversive of the great principle I have established? I have heard, upon other occasions, that there are influences of individuals more obnoxious to the freedom of this House, than even the influence of the crown. Let us take heed, Sir, in what we are doing, when we wish to remove all influence from amongst us. We cannot too often be reminded of the difference between theory and practice: what was the contest with the crown before the institution of this House? I will not call it a contest for liberty; it was a contest for power only between the king, the barons, and the clergy. What, Sir, has been the change that since its first origin has thrown weight into the balance of this House? What, Sir, but the weight of property, (I will speak out, for I am not to be discouraged by hard words, or the misrepresentations that may render me unpopular without doors) I will say, the aristocratical weight of property, which, increasing in this House, has enabled it to stand against the increasing influence of the crown. The circumstances under which the other House exists at present, perhaps it would not be decent in me minutely to describe; let me only say, that such a counterpoise would hardly be thought sufficient to rely upon; the barons are no longer the barrier against the encroachments of the crown. Let us take care, that by innovation purely democratical, and which shall remove from us that influence to which we owe so much of our importance, we do not reduce ourselves back again to that state, when the great influence of all may crush us under its feet.

To revert, Sir, to the words of the motion now upon your paper, they put this House, in my opinion, under a very cruel dilemma. If you give a negative to the proposed committee, the prejudices of the times will not fail to represent us as partial, prejudiced, and corrupt; shutting our ears even to the examination of those evils which they are taught to believe to be so fatal to their liberties, for fear we should be obliged to confess the necessity of a remedy. By this means, the confidence of the people, so peculiarly essential to us at this time, may be in some measure withdrawn from us, to the great detriment of the public, and the danger of the common weal. Should we receive the proposition, we should launch into a sea that has no shore; it is a general enquiry, without any thing defined or specific as its object; it opens an inquisition into the state of every borough; it alarms the feelings of every one who has an interest in so extensive a consideration, whilst it holds out to the public an expectation which you neither mean to satisfy, nor ought to satisfy, nor could satisfy, if it were never so expedient. Had my worthy friend, the mover of this question, done me the honour to consult me previously upon his first intention, I would have deprecated such a measure by every argument I could have urged to him. Were it possible I could now flatter myself that I could dissuade him from persisting in it, I should appeal to every feeling in his bosom;—I see it would be in vain; my worthy friend has his opinion formed, and is determined to abide by it; be it so; I can only lament it, and acquiesce under the necessity it imposes upon this House. Let us consider then upon what we are going to decide upon the present question. It is not whether any one specific alteration in the representation, or rather any one instance of the representation would be for the better or the worse; it is whether we shall think it expedient to open a general shop to receive all the projects of the wildest of the projectors; to let loose the imaginations of the public upon the most delicate, and at the same time the most important consideration. Gentlemen may flatter themselves they can set bounds to these enquiries as they please, and be masters of the torrent they are going to let in upon us; that when they admit the principle of equal representation, which they feel impracticable in its full force, they can restrain its operation to the

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degree they shall think proper. They are mistaken; the principle must be carried through, or it must be abandoned. If it is true, if it admits an inherent right in every individual, who is free only inasmuch as he possesses it, what right have you to make exceptions? what arguments will you expect to satisfy the infinite majority you must by the strongest of all urgencies, by absolute necessity, and the nature of things, deprive of it? If it is a natural right, all have the right or none; there is no medium. Far be it from me to say, that there are no defects that can be remedied in the present state of representation. Shew me the specific proposition, that does not involve me in so dangerous, and I will say, as far as relates to this constitution, so new a principle, and I will lend to it my most serious attention. I will reject it, if upon mature deliberation it appears to me inexpedient; I will embrace it with an honest zeal, if I think it tends to the dignity, honour, and independence of parliament, without the mischiefs that attend rash and ill-digested innovations. Such propositions I do not despair to see before you at a fit time; but in the present moment, to countenance so general, so undefined a measure as that upon your table, would be, in my poor judgment, such an act of madness and infatuation, as could tend to nothing but tumult and disorder, and every confusion that expectation, followed by disappointment, could operate upon the passions of the multitude.

Mr. *Macdonald* confessed himself against the motion, and owned, that as the present form of the constitution had stood from Charles the 2nd's time, without any material alteration, he could see no reason for any amendment to it at present: he contended, that every part of the kingdom was represented; and instanced, that in other countries respect was not always paid to the number of the inhabitants, yet no complaints were made; witness Holland, where Amsterdam sent no more delegates than the smallest province, yet no complaint was made of any unfair representation.

Sir *George Savile* acknowledged himself a firm friend to the motion, and declared, that it was his opinion that the House might as well call itself the representative of France as of the people of England, for the measures of the late ministry had certainly received the sanction of that House, although they had as universally been reprobated by the country at large. He had a large tree, he said, growing some time since on his estate, which bore many green leaves on the trunk of it, and seemed to be in a flourishing state; but on looking at the tree there appeared a hole or two, which he looked farther into, and on a close inspection he found the tree was rotten within: the inside was mere touchwood. He had the rotten part dug out, and now the tree formed a commodious place, fit for a dozen persons to dine in. He compared the present constitution to the tree; it appeared sound, but on an inspection he feared it would be found like the tree, rotten at the heart. However the world might reprobate him, he could not, he said, help confessing that no good news of late years had given him any degree of pleasure; it was to him, like victuals to a sick man, it palled his appetite, for he plainly saw that nothing but distress could bring about a reformation, nothing but distress of the utmost horror, could open the eyes of the people; it was well for this country if their eyes were opened before it was too late.

Sir *Horace Mann* confessed that he thought the question rather premature; there undoubtedly was room for a reform, but now was not the proper time: he had a large landed property, he said, contiguous to the town he represented, yet he did not wish that landed property should have the sole representation of the people; there were other properties which ought to be considered, but as he thought the present motion would not lead to that desired end, he should move the order of the day, as a means of getting rid of the question.

The Earl of *Surrey* confessed himself a warm advocate for the motion, as first moved, and hoped the House would set about it with a good will, as great utility might be expected now we had a ministry who were friends to the people, and we were not in the same predicament now as when a reform was set about in the fifteenth century; then we had religious controversies; but now, thank God, there was nothing of the kind.

Mr. *Byng* said, he rose with the greatest pleasure to give a hearty assent to a committee being appointed for the purpose proposed; the county he had the honour to sit for, was so shamefully represented, in point of number, that he frequently was at a loss to get a quorum of its members to do any business, although it was the

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county in which the very House of Parliament stood; a regulation was necessary, he said, and he should be happy to give every support to a measure of the kind; the tree was rotten, and it was proper either to lop off the branches or strike at the root.

Mr. *Rolle* declared himself against the motion, and insinuated, that the hon. mover had been pressed into the service; he was certain, he said, that the country did not complain of the present representation, but it had been set on foot by a set of speculative men, who had, in associations and meetings of that kind, stirred the people up to ask for something which they never before thought of.

Sir *C. Turner* said, he never should mince matters, whenever he thought the liberty of the subject was in danger; he considered the House of Commons at present, as a parcel of thieves that had stolen an estate, and were afraid of letting any person look into the title deeds through fear of losing it again; that the House of Commons at present were not the representatives of the people was plain, for they had carried on the cursed American war, notwithstanding the voice of the people was so much against it; and the hon. baronet who had moved the order of the day, should have recollected that the Cinque Ports returned their members to parliament by the voice of the revenue officers. He believed the present ministry were honester than the last, but that was no reason for him to be quiet; he wanted the constitution to be in such a situation, that no ministry, however bad, could for the future make use of it against the subject; it was a good thing, he said, to have a good king, but we ought to guard against a bad one, and he had in his infancy sucked the milk of patriotism, and he was confident some of that milk still remained in him, and would come forth on all occasions of this kind. He was himself a member for the city of York, and he was confident the whole county was for a fair and equal representation, and if it was not adopted by the House, the people would themselves insist upon it.

Mr. *Courtenay* confessed himself a warm friend to the motion, from a thorough conviction that a regulation was extremely necessary: he read a passage from Locke, highly in favour of the regulation, and put a simile to the House: supposing, that he had an old mansion which had run to decay by the neglect of the steward, the upper part destroyed by nests of daws, and the lower part undermined with rats—what would be necessary in that business? why, certainly, to pull the mansion down, and erect a new building in its stead; but he made no doubt people would say, what, destroy that old fabric, that place that was the admiration of your ancestors: no, do not touch it! He would answer, yes, I am determined to make the estate as valuable as possible.

Mr. Secretary *Fox* said, he rose with pleasure to speak on a topic in which the rights of the people, and the freedom of the subject, were so materially concerned. It was always contended, he said, that the people of England were virtually represented, and it had been carried farther; some persons had formerly said, that the people of America were in fact as much represented as the people of Birmingham; though he was free to confess, that by the present House of Commons the people were virtually represented; yet a virtual representation was only a mere succedaneum for an equal representation, and gentlemen who were so strenuous for the support of the present constitution, frequently made use of the franchise granted to freeholders by Henry the 6th, in various ways, as best suited their purpose. If they would only recollect, a freeholder of forty shillings in those days was a man of great estate; to exclude every man now from voting who had not an estate equal to forty shillings in those times, would be excluding the greatest part of the present freeholders. That the voice of the people was not to be collected from the votes of that House was plain, for in all the great questions for the welfare of the country, he had observed that the country members, who were most likely to be independent, had uniformly voted, in a proportion of five sixths for the question, but had been overpowered by the members for the rotten boroughs, which totally defeated every good end that could be proposed. The duke of Richmond, he said, had last year introduced a Bill into the other House of Parliament for an equal representation; he could not, he owned, subscribe to all the parts of it, but he was convinced that the noble peer meant it for the public good, for he was not ashamed to confess that he looked upon him as the most able and fit man to bring about a reform of any this country could boast. It had been said, that to add members to the counties would be increasing the aris-

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tocratic influence; he owned it would; and in some measure he confessed himself a friend to that doctrine; but he would wish to be understood, at the same time, not to mean the influence of peers, but to consider the monied interest as the aristocratic part; men who had stakes to lose ought, and he trusted would be the most anxious, to preserve them. It had been suggested to him, that the army and navy ought to be excluded that House; he was of quite a different opinion; for he could wish in order to make that House perfect, that it should contain the landed, the navy, the army, the monied, and in short every interest; but it did not at present; and the city for which he had the honour to sit was so little represented, that the county in which it stood, although it contained one-eighth part of the whole number of electors of Great Britain, although it paid one sixth part of the land-tax, and a full third of all other taxes, yet it had not more than a fifty-fifth part of the representation. Certainly no man in that House could in justice contend, that the county of Middlesex was fairly represented; but if they did, he must differ from them materially. He paid a variety of compliments to Mr. William Pitt, for his steady attachment to liberty, and was fearful that nothing but the most imminent danger would ever awaken the people to a sense of their danger. He reprobated the ruinous measures of the late ministry, and declared that he wished for no other support than what would naturally come from a thorough conviction that his measures were right.

Mr. *Thomas Pitt* said, in explanation, that he had not opposed going into the committee because there were a variety of opinions concerning the state of the representation, but because it would tend to countenance an extravagant and impracticable opinion that was got abroad, namely, that the defect in our constitution was the unequal representation, and would therefore raise those expectations it could not satisfy; whilst specific propositions involved in them no principle but their own. He admitted that he had not heard the hon. mover in his opening disclaim the principle of equal representation in its extent, but it was to him the same thing in its degree; the one was impracticable, the other partial and unjust. He disclaimed the meaning Mr. Fox had put upon his definition of civil liberty where the law was equal to all and not *ad arbitrium cujuscunque*, which he took to be the definition of arbitrary power. But he said he was far from supposing it a matter of indifference under what form of government such a system of civil liberty was to be maintained: on the contrary, that its existence depended solely upon the degree of political liberty, in the form of government, without which it could scarce subsist an hour. He explained also, that so far from being an enemy to any reform in the representation, if it came in the shape of a specific proposition, there was one that he confessed himself extremely partial to, viz. that which he heard lord Chatham state formerly to the House of Lords; the adding one more knight of the shire to each county in England, without interfering with the present representation in boroughs, &c. This, he said, was the conclusion that patriot had formed from his experience and reflection at an advanced period of life, and which he himself cordially adopted as thinking it would add new vigour to the representation without the inconveniences of innovation.

The *Lord Advocate* of Scotland declared himself an enemy to the motion, from a certainty that it could produce no good. The constitution, he said, had existed for ages pure, and it was not a proper time now to think of altering it. He had not observed, he said, on searching the Journals, that lord Chatham had ever brought in any reform whatever; that great statesman plainly saw the constitution wanted no such alteration, for he had found it sufficient to bring us to the highest pinnacle of glory, and he was confident it still was perfectly able to carry us through, provided the present set of men at the head of affairs exerted those great abilities which he was certain they possessed. He would not pledge himself to support ministers in any one particular motion, but he would attend day by day, and give them every support in his power, to measures he thought for the public good. He begged the right hon. Secretary to court unanimity in that House. The learned lord endeavoured to ridicule the arguments of others, and declared, that if any part of the representation wanted a reform, it was the place from whence he came.

Mr. Secretary *Fox* answered the learned lord respecting unanimity: he declared that he and his colleagues were determined to act on measures for the public good; and he should never seek unfair means to

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gain support, but should trust to chance, from a thorough conviction that the people would in the end assert their own rights; and what parliament refused to grant, they might probably insist on.

Mr. *Dempster* said, that if the argument which had been alledged, that without mentioning the specific mode of obtaining the redress, the House ought not to send the subject to a committee, had been admitted in other cases, the nation would have lost the benefits of the most substantial reform in more than one instance. In the case of the East India inquiries, there was no specific mode pointed out first in the House, and upon that sent to the committee; but it was merely declared that there were abuses which ought to be inquired into: the committee had inquired, and upon their report it was most likely that regulations would take place of the most important nature; and by the operation of which this country would reap all the advantages of a happy commercial system in their Asiatic territories. The House ought to do in this matter exactly in the same way; they ought to leave to the Committee the whole business, and act upon their report. He was well convinced that there were abuses that ought to be remedied. In the part of the country to which he had the honour to belong, where the forms of election were different from those in the other parts of Britain, there were several peculiarities of a most inconvenient and improper nature. He would mention one in particular, the case of superiority: he was himself the superior of a land, with which he had no other connection; he neither lived upon it, nor received the rents; it was the property of another person; but he, as superior, had a vote, and the proprietor had none, though in every respect entitled, except by the forms of a local mode of tenure, to the rights of a freeholder.

Mr. *Sheridan* spoke much in favour of the motion, and answered the learned lord in every argument he had adduced. He took up the similies of sir George Savile and Mr. Courtenay in a beautiful manner, and plainly shewed the necessity of an enquiry being appointed.

Colonel *Murray* was against altering the constitution in any respect. It had endured for ages, and if there were any errors, which he was ready to admit there were, they were owing to the members themselves. If members were honest, the constitution was not in fault.

Mr. *Rosewarne* opposed the motion: he was an enemy to innovations, by which the old fabric of the constitution was to be shaken. It had stood the test of ages, and their most honourable conduct would be to hand it down, as pure as they had received it, to their posterity.

Mr. Alderman *Townsend* was clearly of opinion, that there must be a reform in the constitution, for that House was not in its present frame the representative of the people. He wondered exceedingly that the opposition to this measure should have been begun by a gentleman (Mr. T. Pitt), who was himself the representative of a borough which in fact had not a single elector. The return was made by some person, no creature knew who, and yet this gentleman came, and was to be considered as one of the representatives of the people of England. He was no such thing. He was his own representative, and nothing else. Would any man say that this was very consistent with any radical principle or constitution? Or that while this existed, we could truly say, that there was an equal or fair representation of the people?

Mr. *Rigby* expressed himself very much against these innovations, which were merely chimerical, and which could never be reduced to practice. He was an enemy to the present reform, because, in fact, it had not arisen from any request made to that House by the people. It had come from associations which were by no means expressive of the sense of the counties to which they belonged; these associations were formed in this manner. A set of men determined to call a meeting of the county to which they belonged; at this meeting all persons were excluded who were not of their own way of thinking. From these delegates were chosen, and these delegates made resolutions, and published them in the newspapers, as the sense of their county. This was not the way of collecting the voice of the people: it might be asked, then, how the voice of the people was to be collected? Could it be so by the sheriff of the several counties calling together the grand juries? No; for the sheriff might call only such gentlemen as he knew to be of the particular sentiments which he wished them to express. This, then, was not the way of collecting the sense of the people but in that House; and he believed that the sense of the people would be against the motion.

Sir *Watkin Lewes* said, the metropolis,

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London and Westminster, was computed to consist of an eighth part of the people of this island, and paid one-fifth to the land-tax, and a full third to all other taxes, and yet had but eight members, of which he had the honour to be one. Their property was disposed of by persons who bore no share of the burthen. The present electors (not to mention those who ought to have a share in the election of their representatives) consisted of a greater number than returns a majority of that House. A right hon. gentleman had said, he should oppose the motion, because the people were to be consulted. Such an argument coming from one of their representatives, he could not help expressing his surprize at; and particularly as it so materially concerned the regulations of their representation in that House. An hon. gentleman had said, he should oppose the motion, because he should wish to consult his constituents. The motion went only to the appointment of a committee, who were to digest some specific resolutions, or plans, which were intended to be published, and not agreed on till the hon. gentleman would have an opportunity of consulting his constituents; and he appealed to the hon. gentleman if it would not be better to advise, and consult with them, when he had some well-digested plan, or specific resolution, to take their opinion upon. Sir Watkin observed, he could not agree in the definition given by an hon. gentleman of civil liberty, which, in sir Watkin's opinion, was more or less perfect in proportion to the share the people had in the government. In his opinion, civil liberty could not exist without political liberty. It appeared to him to be a solecism in politics, that the representation should continue, when the objects of representation had ceased, and were no longer in existence, which was the case of the hon. gentleman who opposed the motion.

Mr. *W. Pitt* concluded the debate with a most animated and eloquent speech, in which he reviewed all the objections that had been thrown out to his motion.

The question being put, that the order of the day be now read, the House divided:

	Tellers,	
YEAS	Mr. Yorke - - - -	161
	Mr. Macdonald - -	
NOES	Mr. William Pitt - -	141
	Mr. Byng - - - -	

Mr. Pitt's motion was consequently rejected.

END OF VOL. XXII.

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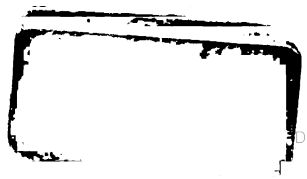

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